



**GLOBAL REPORT ON LAW AND POLICY
ON INTERNAL DISPLACEMENT:
IMPLEMENTING NATIONAL RESPONSIBILITY**

2025



Cover Photo 1: The Philippines. This "habian" or indigenous loom is being used by a women-led group in Barangay Sambulawan, Midsayap (BARMM) thanks to the support of the Australian Government in partnership with Community and Family Services International (CFSI) and the BARMM Government. The community also received textiles, accessories, tables, chairs, and tents as part of the start-up capital they can use for a dressmaking and event rental business. This livelihood project now serves as a more stable source of income for the community, which hosts forcibly displaced families who flee from conflict in surrounding areas.
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ACKNOWLEDGMENTS

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FOREWORDS

Over 75 million people were estimated to be internally displaced by the end of 2023 due to conflict, disasters, human rights violations and violence, according to the Internal Displacement Monitoring Centre. New conflicts arise before others are resolved, and many are becoming prolonged situations, in which human rights are frequently and systematically violated. Meanwhile, 75 per cent of the forcibly displaced globally are currently living in locations exposed to high or extreme risks of climate change events, which occur more often and with greater severity.

As highlighted by the UN Secretary-General in his Action Agenda on Internal Displacement, States bear the primary responsibility to advance prevention, protection and solutions for internally displaced persons. The extent to which States develop and implement national laws and policies on internal displacement remains a major marker of their political recognition of internal displacement and the need to address it.

Specific law and policy frameworks provide a crucial point of reference for a holistic and comprehensive effort across government and society to protect the internally displaced and achieve durable solutions for them. They introduce greater predictability in the national response and assist in overcoming common practical challenges by building consensus among stakeholders on concepts and principles; clarifying roles and responsibilities; and establishing a legal basis for budget allocations to underpin the response. As this publication shows, an increasing number of States have recognized the importance of having in place national law and policy frameworks, and many of them have made strides in this regard with the support of international, regional and national partners. There are also more provisions applying to the internally displaced in instruments related to voting, health, climate change, disasters, development, peace and other areas. Yet the creation of a domestic law or

policy on internally displaced persons is but a first step for a State that is assuming its responsibility towards internally displaced persons.

As the protection lead agency, UNHCR is strongly committed to continuing the work with governments and partners in support of developing of legal, policy and institutional frameworks in line with international and regional standards for the prevention, protection and solutions related to internal displacement. At the same time, UNHCR also works to ensure that existing frameworks and tools result in better protection in practice. This is why I welcome the focus of this publication on the implementation of laws and policies - an area where comparative research remains limited when it comes to internal displacement. By examining the normative and operational response to internal displacement in selected countries, the report provides useful analysis, recommendations and examples of good practices that we can collectively learn from. It is, therefore, my hope that this publication will prove useful for policymakers and practitioners who are leading or supporting responses to internal displacement.

**UNHCR Assistant High Commissioner
for Protection**



Ruvendrini Menikdiwela

The past decade has witnessed an unprecedented rise in internal displacement, affecting nearly every corner of the globe. This crisis has tested the limits of the international system to protect the human rights of internally displaced persons, especially amid increasing political polarization that hampers global cooperation.

The nature of contemporary armed conflicts raises serious concerns as they are increasingly marked by a disregard for international humanitarian and human rights law. The use of indiscriminate attacks, arbitrary restrictions on humanitarian aid, attacks on health facilities and humanitarian and health workers, and the use of starvation and sexual violence as weapons of war have devastated civilians and created situations of displacement that may last for generations. At the same time, climate change-driven disasters, development projects and generalized violence also continue to force people from their homes. The international community has yet to effectively address this global crisis.

Against this backdrop, national laws and policies on internal displacement are crucial to preventing arbitrary displacement, protecting the human rights of internally displaced persons, and enabling durable solutions to their displacement. This report builds on the tremendous work done by UNHCR and the members of the Global Protection Cluster Task Team on Law and Policy, analysing progress in law and policy frameworks realized over the past two years and the operational implementation of these frameworks. Through its meta-analysis, the report serves as a practical manual for policymakers on the elements of effective laws and policies on internal displacement.

History has shown that laws and policies are only as effective as their implementation. In this regard, I am encouraged by this publication's novel focus that analyses the role of both domestic framing of IDP law

and policy, and the institutional structures set up to implement these standards in the overall effectiveness of IDP responses. It identifies the practical challenges that arise in implementing national laws and policies on internal displacement and outlines effective institutional arrangements. Real-world examples drawn from diverse contexts provide valuable insights for national policymakers and implementing bodies.

The report encourages creativity and dynamism in combining approaches tailored to specific contexts, recognizing the complexities of internal displacement. With its focus on policy implementation, I commend the guidelines for robust interventions, including time-bound context-sensitive policies, clear allocation of roles and responsibilities, regular data collection and, and rapid transitions from IDP-specific interventions to IDP-inclusive approaches.

Despite progress, much remains to be done to address the global crisis of internal displacement. I welcome this report as an important instrument for policymakers and practitioners on the road ahead to fulfil the promise of national responsibility and safeguard the rights of internally displaced persons worldwide.

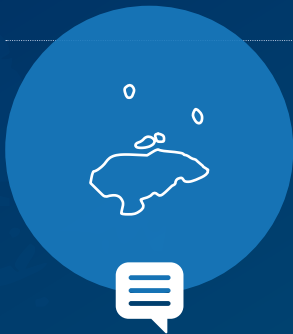
Special Rapporteur on the Human Rights of Internally Displaced Persons



Paula Gaviria Betancur

Internally Displaced Persons' Voices

In your opinion, why is it important to have laws or and policies on internal displacement?



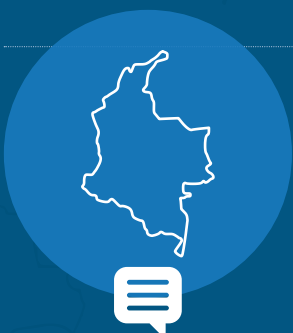
Gonzalo Ramirez*
(Honduras)

“The approval of a law or public policy for displaced persons is essential to guarantee the protection and rights of those of us who have been forced to flee and have faced more than one of the most extreme forms of violence and vulnerability. Forced displacement is not only a humanitarian issue, but also a social, economic and political crisis that affects thousands of families. The adoption of legal frameworks is not only a recognition of the problem, but also a state obligation to provide structural and sustainable solutions. (...) Without the appropriate normative framework, efforts are insufficient and scattered, and what really happens is that displaced persons are forced to live without protection, without access to resources, without specialised attention. (...)”



Laura Marcela Borrero Fierro
(Colombia)

“It is extremely important to have a law because it is the way in which the protection of the rights of displaced persons is legally guaranteed. (...) People who are displaced normally lose everything, including their families. They lose their homes, they lose their jobs, family members die ... and that is why it is so important that these laws also include a component of reparation of how the state, which is the one that must guarantee fundamental rights, will guarantee that, after this loss, these people can also have their fundamental rights reintegrate because, in a certain way, they were taken away from them (...). Because otherwise, it would be subordinated to begging for help, when it should not be like that. It should be a right: to be able to find a home, to be able to participate, to be able to raise your voice, to be able to have a home... It is a right, and (we should) not because of the conflict, be begging a state actor for something that is a right.”



Tetiana Durnieva
(Ukraine)

“A comprehensive law is crucial to protect IDPs' human rights, ensuring equal access to housing, healthcare, education, and political participation. Upholding these rights is both a constitutional obligation and a requirement under international frameworks. It also promotes integration, fostering social cohesion and reducing tensions in host communities.”

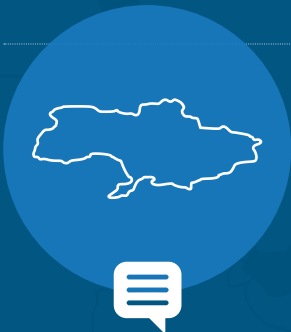
*Fictitious name used for protection reasons.

In your opinion, what is the impact of the law on internal displacement in your country? Or in other words, what would not have been possible without this framework?



**Laura Marcela
Borrero Fierro**
(Colombia)

“A law is a way of making something happen that is an obligation. Or make it an obligation, not a choice. It requires a budget, it's a lot more bureaucracy, of course, but it's a way of guaranteeing something. If it's not written down, it doesn't exist. (...) For example, (...) the right to participation. If we did not have the law, we would not have the right, as a right of the victims themselves, to participate. Because it is the law that establishes that victims have the right to participate and it is the law that created the effective participation roundtables, which are spaces where we have representation and a voice. If it were not for this law, there would not be more than 1,090 roundtables in Colombia that are responsible for interlocution. If it were not for this law, the mayors, governors, and the president of the country would not be obliged to dialogue and build the country's policies with the victims.”



Yana Liubymova
(Ukraine)

“In Ukraine, the IDP-specific legal framework has transformed how displaced individuals engage in recovery and governance. The creation of over 1,000 IDP Councils has enabled internally displaced persons to directly participate in shaping policies addressing housing, social services, and long-term integration—opportunities that would have been impossible without legislative action. A gender analysis of 677 IDP Councils conducted in June 2024 highlights the crucial role of women in these efforts. Women make up 77% of active council participants (7433 out of 9678) and hold 66% of leadership roles (446 councils led by women, compared to 195 by men). This leadership is not only significant in supporting displaced communities but also vital for peacebuilding and recovery processes. Women in IDP Councils are driving inclusive solutions, ensuring that responses to displacement are not only community-driven but also sustainable and equitable. Without this legal framework, such platforms for participation and leadership would not exist, and critical contributions of women—particularly in processes of peacebuilding and reconstruction—would remain unrealized. Ukraine’s experience demonstrates that IDP-specific laws are not just necessary but indispensable for empowering displaced populations to rebuild their communities, strengthen local democracy, and contribute to lasting peace.”

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SCIENCE and HEALTH
 Topic: CLEANLINESS
 Cleanliness Means,
 taking care of our
 environment.
 How can we take care of our body?
 Water Soap and Sp. in

CHRISTIAN RELIGIOUS STUDIES 1st TEST

Who created the heavens
 and the earth? 10 marks

Who created the earth
 how many days? 5 marks
 How long did it last on the 1st day?
 5 marks

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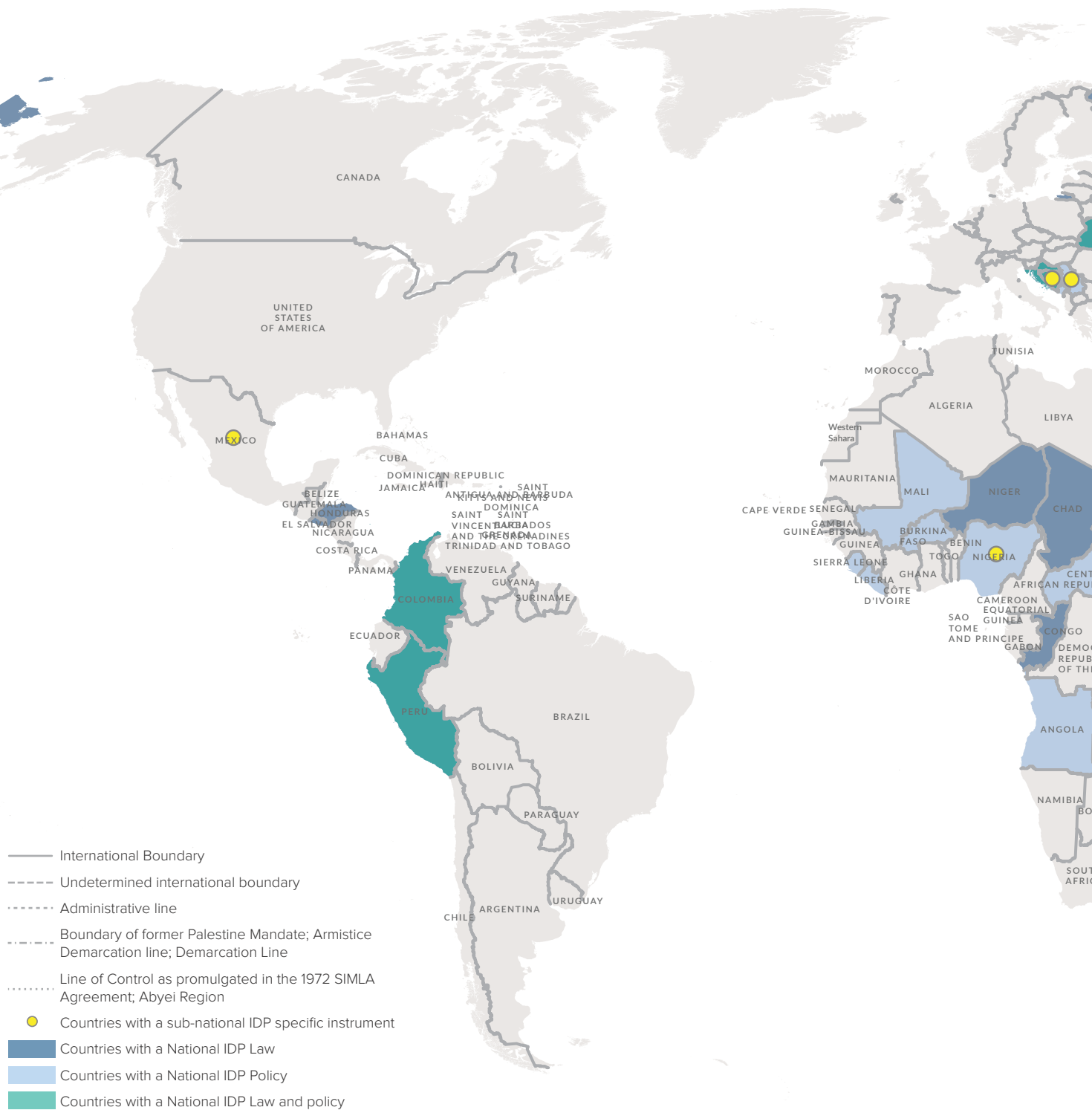
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Nigeria: Mimi Kiva, displaced by the farmer-herder conflict in Benue State, volunteers as a teaching assistant at Ichwa IDP camp, where she arrived in 2021 (15 October 2024). © UNHCR/Colin Delfosse.

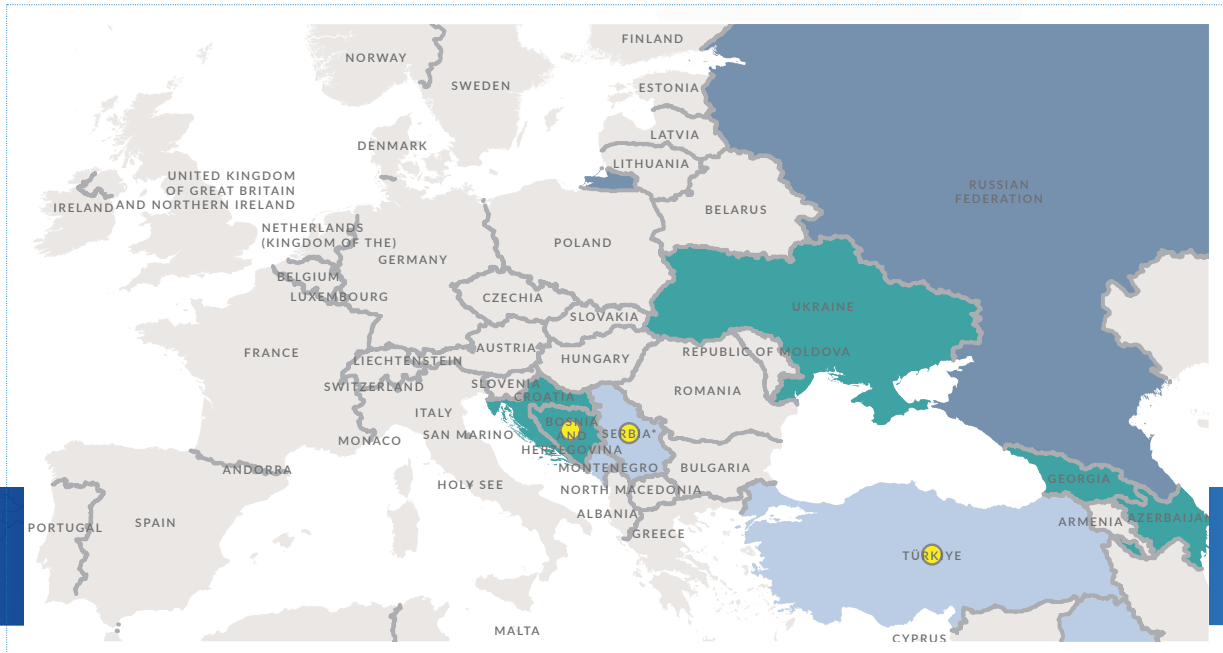
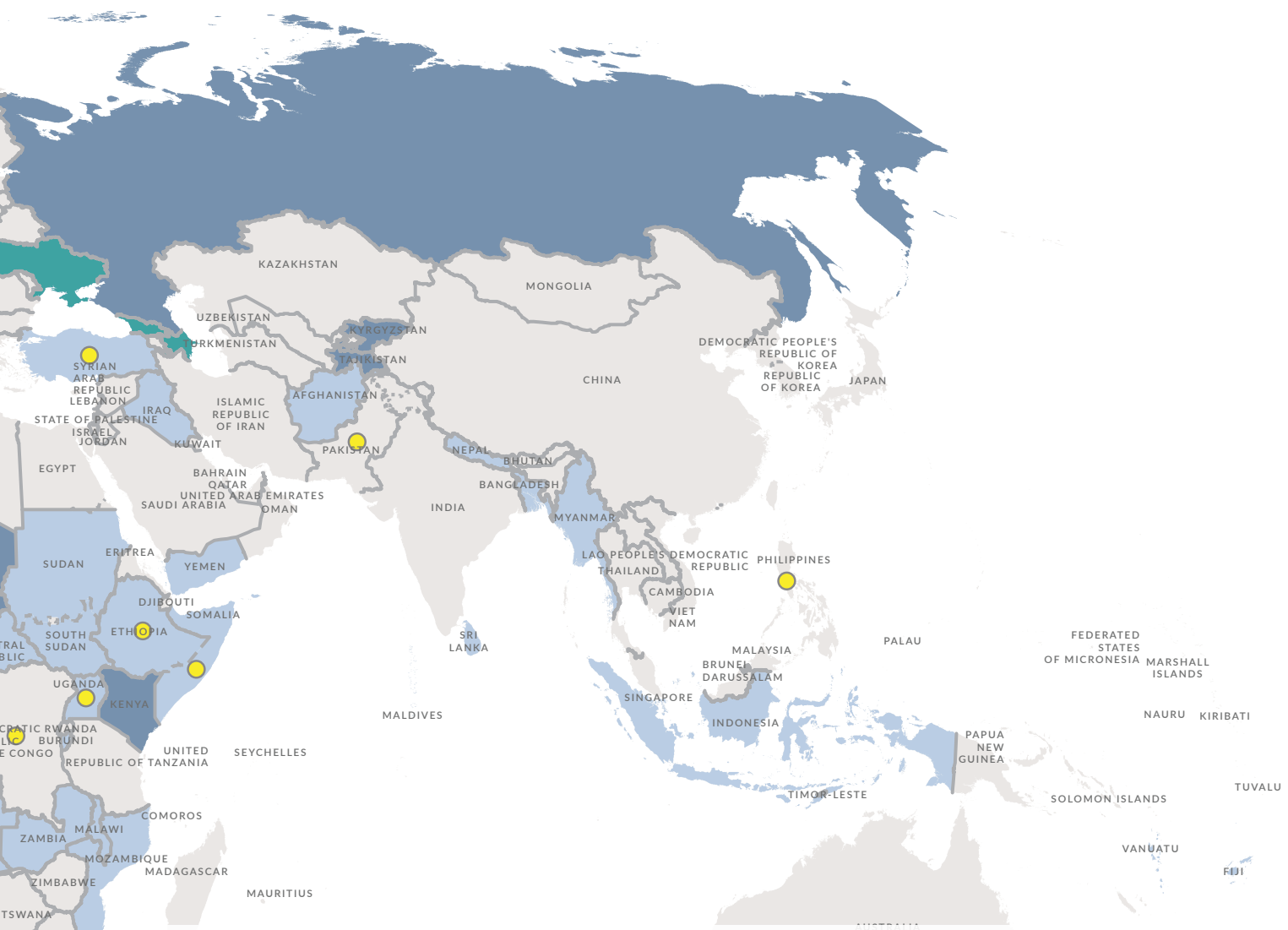
World Map - Laws and Policies on Internal Displacement

(as of 03 Dec 2024)



Printing Date: 07 October 2024 | Source: UNCS, UNHCR | Author: UNHCR - HQ Copenhagen

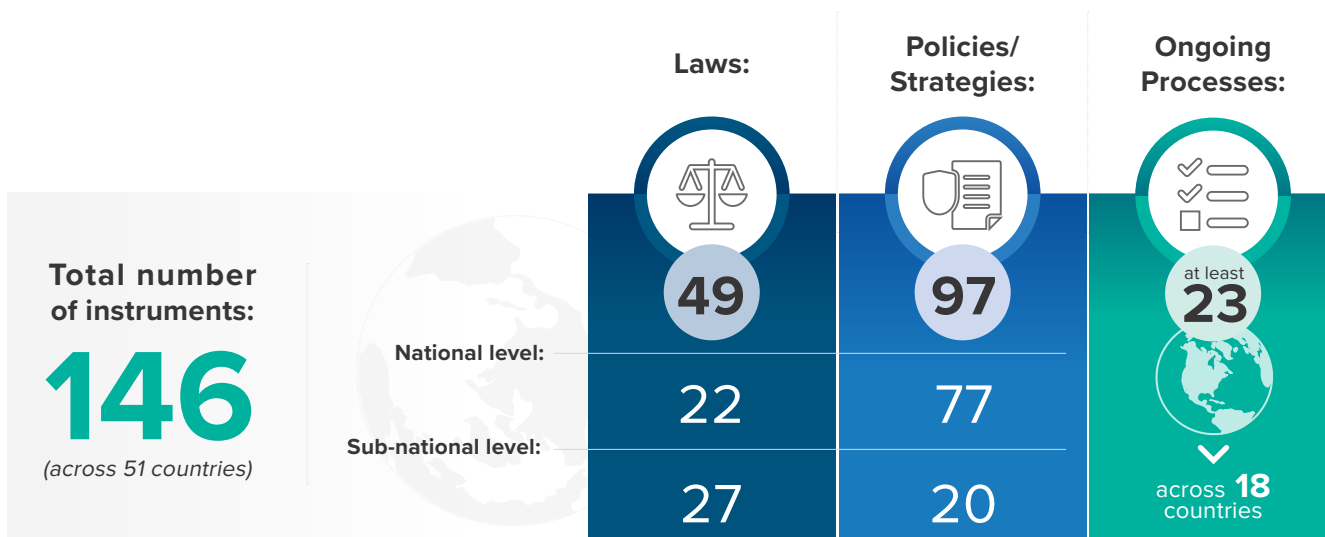
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations



EXECUTIVE SUMMARY

PART 1

IDP-specific instruments¹ in numbers (as of 30 November 2024).



PART 2

This report addresses how both the domestic framing of laws and policies on internal displacement (also referred to as “IDP-specific” or “IDP” frameworks or instruments in this report) and the nature of the domestic institutional response shape the effectiveness of the IDP response and, as a result, where and how its domestic implementation can be improved. Key findings on the implementation of IDP law and policy from the study of the 15 countries include:

Personal Scope

IDP-specific frameworks provide a crucial point of reference for establishing a holistic and comprehensive effort across government, which is necessary to adequately protect internally displaced

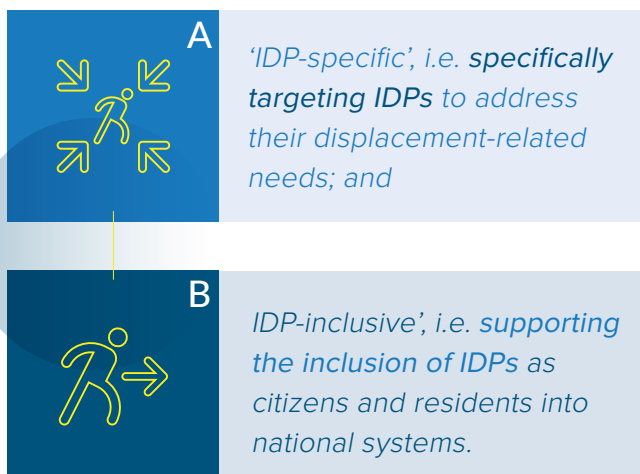
persons (IDPs) and support durable solutions for them. Such IDP frameworks set out particular needs and standards that IDP-inclusive frameworks will need to reflect or take into account, and clarify roles and responsibilities. **They need not take the form of a law; a policy may suffice**, if all that is needed is to spell out how existing domestic legal and/or constitutional rights for citizens apply in relation to internal displacement and no new rights for IDPs are envisaged. **However, in some countries, a law may be required**, e.g. where the activities involved in IDP response require specific legal authority (budget allocations, attributing new institutional responsibilities, etc.). At a minimum, such IDP instruments **should address current displacement issues, be flexible enough to handle changes** in the situation to the extent possible and lay a solid foundation for achieving sustainable solutions.

The Guiding Principles still represent a fundamental starting point for identifying needs and creating such responses.

The **IDP definition of the Guiding Principles can be legitimately tailored to local circumstances** by the IDP framework at the national and/or sub-national level. This can be a useful or necessary step for clarifying and targeting the scope of the IDP response in that country. At the same time, States should be aware of the possible consequences. Consideration should also be given to whether IDP laws could be adopted as time-limited, at least in relation to conflict situations. This could potentially be an option, *inter alia*, for those States that are hesitant to adopt an IDP law for fear of 'institutionalising the problem'.

States take different status-based and other approaches to how they operationalise the IDP definition as a way of targeting the IDP response. Each of these administrative approaches has particular **substantive and procedural consequences** for how the IDP response is structured. But they are not necessarily mutually exclusive and two or more could be applied in tandem. What is crucial is that the approaches taken in any single country are context-sensitive and appropriate to its wider administrative approach to similar social and policy issues, as well as to the scale and nature of the particular displacement situation.

An effective IDP response will require a **combination of legal, policy and operational interventions** that are:



In general, IDP-specific interventions are usually particularly necessary when the displacement-specific needs are greater. As such needs (may) decrease over time, and IDPs make progress towards durable solutions, IDP-inclusive interventions become increasingly vital to reinforce or complement IDP-specific ones. At the same time, inclusion of the IDP issue in wider frameworks is essential for promoting a whole-of-government approach, supporting IDPs' sustainable economic and social reintegration into mainstream society and ensuring respect for IDPs' rights as citizens and habitual residents of the country.

Material Scope

A national framework setting out the basic scope and standards for the IDP response is essential for framing principled and coherent implementation of the IDP response - for protection and assistance of IDPs, prevention of arbitrary displacement, as well as solutions to internal displacement.

Many core frameworks affirm the principle of preventing displacement in line with international standards. This is articulated primarily as a **prohibition of arbitrary displacement**, although there is significant variation as to its scope. **Complementary non IDP-specific instruments (e.g. in the security and socio-economic areas) are likely to be of equal or greater importance** in protecting people from displacement and addressing its key drivers.

In national IDP laws and policies, **the rights sectors for assistance and protection are substantially similar to those relevant to achieving solutions for IDPs**. This suggests that the standards underpinning these two aspects of IDP response are less distinct than is sometimes assumed, and points to a **strong legal/policy basis for complementarity** between short-term humanitarian interventions oriented towards assistance and protection and longer-term development interventions oriented towards inclusion and solutions. The IASC Framework on Durable Solutions for IDPs remains a key reference to frame the definition of solutions, its principles and standards, as well as to guide action across different areas.

The **integration of internal displacement (or solutions more specifically) in wider domestic frameworks** not specifically targeted at IDPs **is crucial for reinforcing the response to IDPs as citizens and residents through a ‘whole of government’** effort and ensuring that it moves beyond a short-term focus on rapid humanitarian assistance to a sustained engagement with longer-term solutions to internal displacement. This is especially the case where it opens the door to engagement with solutions by actors other than just humanitarian ones (e.g. local and international development actors) or ensures that solutions are integrated into their budgeting.

This reemphasises the importance of taking an integrated approach to State responsibilities for IDP issues, whereby both IDP-specific and IDP-inclusive legal and policy frameworks serve a particular and complementary purpose. It emphasises the need for careful reflection on the role to be played by IDP law, policy and strategy instruments in any particular country; and thus the targeted and context-sensitive ways in which they should be developed from the outset.

Institutional Response

A core national framework on internal displacement is usually needed to identify the institutional structures through which the IDP response is to be implemented. Their specific form will depend intrinsically on the wider governmental set-up of the particular country within which they are located. Where countries have separate institutional arrangements for solutions, they should not duplicate or compete with any existing IDP response structures.

One and only one **focal point institution must be clearly identified** to lead the national IDP response. It needs sufficient institutional ranking and ability to carry this agenda across government and will benefit from direct reporting to the highest political levels. This is because an effective IDP response rests on a shared **whole-of-government approach**.

Core IDP instruments play a useful role in setting out the respective responsibilities of the focal point, national ministries/agencies and sub-national territorial entities in the IDP response, as well as in usefully establishing the necessary platforms for both horizontal and vertical coordination led by the focal point.

Core and supplementary national frameworks should also include **provisions on internal displacement data**, providing clarity on the purposes for which data will be gathered and the systems for collecting, analysing, storing and sharing data. IDP-specific interventions also require dedicated **funding streams or sources**. This can be usefully identified in core or supplementary IDP frameworks. In tandem, IDP-inclusive interventions can aim to draw on wider funding streams.

Prioritisation emerges as a key strategy for addressing limited financial capacity (and political will). In implementing the standards of the core IDP instruments, prioritisation can privilege the needs of the most vulnerable IDPs or the territories most affected by internal displacement. Sensitivity to context is crucial here; and the general application of such measures should be principled and based on the best available data and analysis of the situation and implications of the measures for beneficiaries and the wider IDP population.

A sense of national ownership can be built up, for example, by engaging relevant institutional actors in the process through which IDP frameworks are developed and adopted. For sustained implementation, though, the key is to insulate such institutional buy-in from changes of government etc. This can be through careful selection of key interlocutors in the State (e.g. NHRIs). But other domestic actors can be vital too.

In some countries, the courts may have the potential to enforce State willingness to implement IDP frameworks through changes of government etc. Likewise, engagement by international partners and civil society (including IDPs) can reinforce institutional willingness and capacity to implement IDP frameworks.

Overall

Especially in protracted situations, there is a risk that internal displacement becomes somewhat institutionalised as a problem and thus more difficult for a society to overcome. But a robust response can be implemented without becoming intractable by ensuring that: **targeted (and time-limited) context-sensitive policies, strategies or plans** are used to implement the core framework; **institutions are allocated clear roles and responsibilities**; solutions are built into the response from early on; regular reviews based on adequate data and analysis assess progress towards solutions; and IDP-specific interventions transition as quickly as possible to IDP-inclusive ones. **No country wants a perpetual IDP crisis – using IDP frameworks to chart the path to a way out is essential.**

Many of the 2005 Brookings Framework for National Responsibility indicators remain relevant. Nonetheless, this study suggests an opportunity to review some of those indicators and how they are to be assessed (e.g. data *and* analysis); and to reflect on potential new indicators too. There is also the key question of how crucial factors of willingness and capacity play into the implementation in practice of these formal structures/indicators; and how they can better be harnessed in interventions on internal displacement in the future.

PART 1:

KEY LEGAL AND POLICY
DEVELOPMENTS
ON INTERNAL
DISPLACEMENT

This part of the report presents an overview – global and by region - of key legal and policy developments related to prevention, protection and solutions for IDPs that have occurred since the finalisation of our first Global Report on Law and Policy on Internal Displacement in August 2022, until 30 November 2024. Every official document (i.e. law, policy, strategy, action plan, other implementing instrument) mentioned in this report is available on **Refworld, UNHCR’s Global Law and Policy Database**.² They have also all been included in **UNHCR’s IDP Law and Policy Dashboard**,³ an important tool that UNHCR launched in July 2024 that compiles information on national and sub-national legal and policy frameworks specifically dedicated to prevention, protection and solutions for IDPs, as well as frameworks that include provisions addressing the specific situation of IDPs in relation to issues such as documentation, land, development, peace, disasters and climate change. The Dashboard also shows information on regional instruments for the protection of IDPs in Africa.

The IDP Law and Policy Dashboard and the Refugee Treaty and Legislation Dashboard represent the first two public components of **UNHCR’s Rights Mapping and Analysis Platform (RiMAP)**.

UNHCR’s Rights Mapping and Analysis Platform (RiMAP)

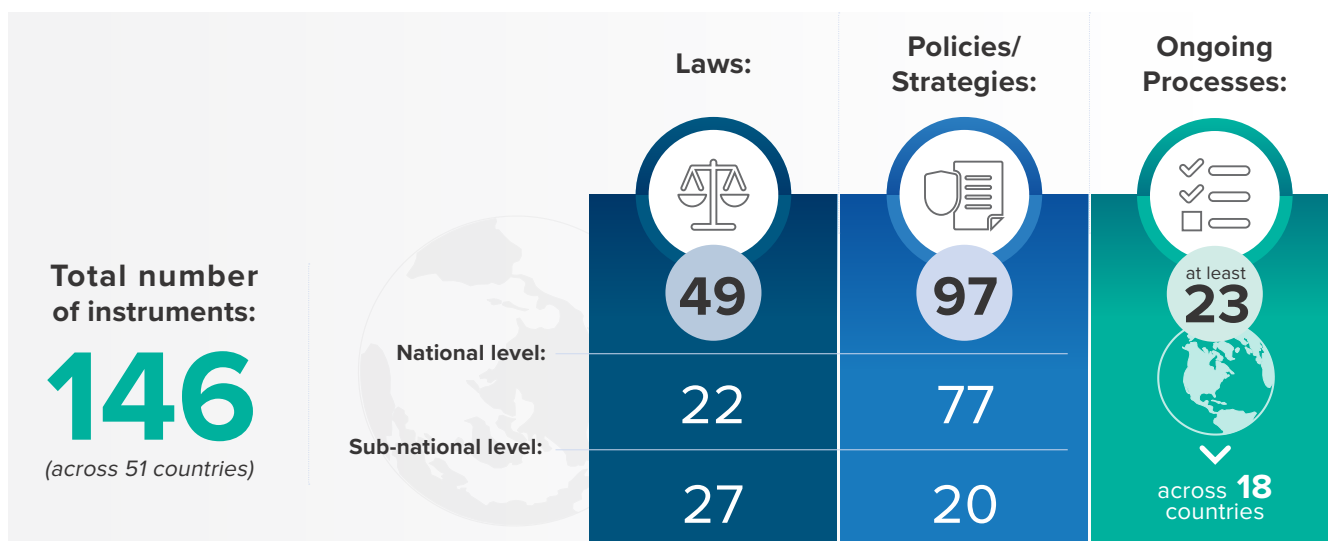
RiMAP is UNHCR’s web-based Rights Mapping and Analysis Platform, designed to provide a comprehensive understanding of the legal landscape concerning the rights of refugees, asylum-seekers, internally displaced and stateless persons. The platform provides a structured methodology for mapping and analysing domestic laws and policies that impact access to rights for these populations, and it helps to identify protection gaps in both normative frameworks and their practical application. RiMAP’s analysis is not limited to regions where UNHCR operates, as it aims to encompass all UN member states and territories over time.

RiMAP will play a pivotal role in enabling a comprehensive national, regional, and cross-regional analysis, by providing reliable, consistent and comparable legal and policy data on the protection of forcibly displaced and stateless persons worldwide. Moreover, by mapping existing domestic frameworks and identifying gaps, RiMAP enhances the ability to advocate effectively for the rights of IDPs and to coordinate with other agencies to effectively address their displacement-specific needs. The development of RiMAP is coordinated by UNHCR’s Division of International Protection, in close collaboration with the organization’s regional bureaux and country operations. RiMAP serves as an information and research resource for academia, policymakers, legal practitioners and development actors. The tool will become externally available in 2025, with gradual inclusion of IDP legal frameworks. It can be accessed at <https://rimap.unhcr.org/>.



1. GLOBAL OVERVIEW

IDP-specific instruments⁴ in numbers (as of 30 November 2024).



Overall, the political momentum following the UN SG’s High-Level Panel on Internal Displacement, linked to his related Action Agenda and the work of the UN Special Adviser on Solutions to Internal Displacement, resulted in a notable increase in the development and adoption of IDP-specific instruments across regions, particularly durable solutions strategies and plans in countries that were prioritised by the Adviser - though not exclusively.

As of 30 November 2024, a total of 51 countries worldwide had adopted at least an instrument – a law, policy or strategy - on internal displacement (also referred to as “IDP-specific” or “IDP” instruments in this report), for a total of 146 national and sub-national instruments on internal displacement.

Forty-nine (49) laws on internal displacement had been adopted across 18 countries, with the most recent national IDP laws being adopted in 2023 in **Honduras**, **Chad** and the **Republic of Congo**. Both Honduras and Chad developed related regulations, although these had not yet been adopted by the end of October 2024. This remains a fundamental step to support the concrete implementation of these important legal frameworks.

Out of the existing 49 legal frameworks on internal displacement, 27 were adopted at the sub-national level. During the timeframe under consideration for this report, key legal developments at the local level are the **adoption in the Philippines of a regional IDP law** in September 2024 and of 16 municipal ordinances on internal displacement. This represents important progress and an interesting bottom-up approach towards the formalisation of local approaches to the IDP response in a country where the adoption of a national IDP bill has been on the agenda for over a decade, but it remains pending.

As of 30 November 2024, 97 policies and strategies had been adopted across 40 countries in all continents - most recently in the **Central African Republic**, **Ethiopia**, **Nigeria**, **Somalia** and **South Sudan**, for a total of 8 new instruments in 2024 only. Almost all of them⁵ were specifically dedicated to durable solutions, with multiple instruments being created within a country at sub-national level, particularly in federal States such as Ethiopia and Nigeria. While of these instruments are important signals of political will by the authorities that adopted them, the priority goal for national stakeholders – and their international partners alike – will now be to effectively implement them in practice.

In addition, by the end of November, 23 national and sub-national frameworks on internal displacement were under development - or finalised but pending

adoption - in at least 18 countries. The regional overviews that follow will provide more details on where many of these processes stand.



Philippines: MP Atty. Raissa Jajurie, Deputy Floor Leader of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) Parliament and Minister of the BARMM Ministry of Social Services and Development, as she explains her vote to approve the IDP bill. © UNHCR/Karen Cepeda.

The Guiding Principles on Internal Displacement, 25 years on

The year 2023 marked the 25th anniversary of the Guiding Principles on Internal Displacement, an important opportunity for all stakeholders working on internal displacement to step up their work with and for IDPs and, at the same time, galvanize others to do the same. The Principles remain the key normative framework of reference to advance prevention, protection and solutions for IDPs. Many governments have incorporated

them into domestic law or policies, and courts have accepted them as a valid expression of what human rights conventions ratified by a country mean in situations of internal displacement. They have also been reflected in the UN Secretary-General's Action Agenda on Internal Displacement, further solidifying their role as a strategic guide for international responses. In addition to guiding legal, policy and operational responses, the Guiding Principles have empowered IDPs to advocate for their rights and participate in decisions that affect them. With record levels of IDPs worldwide, the Guiding Principles on Internal Displacement remain more relevant than ever.

A series of events were organised in commemoration of the Guiding Principles' 25th anniversary to galvanise action on internal displacement. The UN Special Rapporteur on the human rights of IDPs, Ms. Paula Gaviria Betancur, in collaboration with the IDP Protection Expert Group (IPEG), convened a virtual global dialogue on the past, present, and future of the Guiding Principles on 17 April 2023. This global event included a panel discussion featuring three of the previous mandate-holders: Cecilia Jimenez-Damary, Chaloka Beyani and Francis Deng - under whose leadership the Guiding Principles were drafted. Other commemorative events also took place.



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© UNHCR/Charlotte Hallqvist.

- In Mexico, the Government and UNHCR held a workshop on “the Guiding Principles on Internal Displacement and their influence in Mexico”, which was attended by more than 70 participants from 35 federal and local institutions, as well as international agencies;
- In the Philippines, UNHCR held a national conference to promote the incorporation of the Guiding Principles into domestic laws to protect IDPs and facilitate durable solutions;⁶
- In South Sudan, the Government and the Humanitarian Country Team commemorated the 25th anniversary of the Guiding Principles on Internal Displacement, with an event aimed to assess the implementation of the principles and identify priority actions for supporting durable solutions.

From the perspective of (internal) displacement in the context of disaster and climate change, an important development on 20 December 2022 was the adoption by the United Nations General Assembly of Resolution A/RES/77/161, formally requesting the International Court of Justice (ICJ) to provide an advisory opinion on the obligations of States regarding climate change – which is expected in 2025. Specifically, the ICJ was asked to clarify these obligations under international law and to examine the legal consequences of any past, present, or future breaches of these obligations. The small Pacific island nation of Vanuatu played a pivotal role in initiating these proceedings by spearheading a global campaign to seek this advisory opinion from the ICJ, aiming to bring this critical issue to the forefront of international legal discourse.

It is also important to highlight that, as national priorities for climate action are set through the Nationally Determined Contributions (NDCs) and the National Adaptation Plans (NAPs), a recent study found that only 54 of 166 NDCs submitted as of July 2024 mentioned forced displacement prompted by climate change, and only 25 of those contained concrete provisions that include commitments, objectives, or tangible actions on displacement in the context of climate change. Of the 60 NAPs submitted by states as of September 2024, just 24 included provisions for forced displacement because of the impacts of climate change – with only three countries (Colombia, Timor-Leste and Sri Lanka) including concrete provisions in both NAPs and NDCs.⁷

Regarding the inclusion of forcibly displaced people in disaster risk reduction (DRR) strategies, the 2023 Political Declaration of the high-level meeting on the midterm review of the Sendai Framework called upon States to strengthen comprehensive disaster risk governance by promoting DRR policies, strategies and actions that reduce the risk of displacement in the context of disasters. Even so, a recent mapping exercise found that only seven out of 31 regional DRR strategies and related instruments reference displacement and two-thirds of national DRR plans contain some reference to displacement, though often with little elaboration.⁸

2. REGIONAL OVERVIEWS



To combat desertification, local associations and internally displaced women have planted 2,000 trees in the Bogo IDP site in the Far North region of Cameroon (23 June 2023). © UNHCR/Eugene Sibomana.

A Africa

IDP-specific instruments in numbers *(as of 30 November 2024)*

Total number of instruments:

43

(across 21 countries)

National level:

Sub-national level:



4

Laws:



4



39

Policies/
Strategies:



24



15

Regional Developments

As of November 2024, **34 out of 55 African Union (AU) Member States were parties to the Kampala Convention**. During the time frame considered for this report, only one new country deposited its instrument of ratification with the African Union Secretariat: **Sao Tomé and Príncipe**, in February 2024. However, the African Union, various Regional Economic Communities (RECs) and other stakeholders have continued to advocate for the ratification of this important treaty and its application. For example, the International Committee of the Red Cross (ICRC) systematically promotes the Kampala Convention as part of its engagement with African countries around International Humanitarian Law (IHL). Last year, for instance, two of the four ECOWAS Member States that are not yet parties to the convention (**Guinea** and **Ghana**) included its ratification as part of their IHL-related priorities for 2024.

On 22-23 November 2024, the **AU Commission convened the 2nd Meeting of State Parties on the Kampala Convention** in Nairobi, Kenya, in line with Article 14 of the Convention that provides for the establishment of a Conference of State Parties to serve as a mechanism for strengthening cooperation and monitoring the implementation of the objectives of the Convention. The event saw the participation of relevant AU Member States (Benin, Cameroon, CAR, Chad, Cote d'Ivoire, Liberia, Malawi, Mozambique, Senegal, Sierra Leone, Somalia, Uganda, Zimbabwe), the AU Commissioner and Director for Health and Humanitarian Affairs as well as partners (UNHCR, ICRC, IFRC, IOM, OCHA, UNICEF) and independent experts. The first meeting of the State Parties had taken place in April 2017 in Zimbabwe and had resulted in the adoption of the Harare Plan of Action for the implementation of the Kampala Convention.

During this second meeting, the Nairobi Plan of Action (2025-2030) was developed.

This reiterates the primary responsibility of the state, Pan-Africanism and solidarity, provisions of the AU constitutive Act and Agenda 2063, and the respect for international and regional laws. Its objectives include:

- Accelerating ratification and domestication of the Kampala Convention
- Strengthening a whole-of society approach
- Ensuring the participation of IDPs and host communities in national IDP strategies
- Enhancing capacities of AU member states in protecting IDPs
- Improving data collection
- Advancing the popularization of the Kampala Convention

Participants welcomed the country experiences and ideas shared and agreed to work towards the realization of the Nairobi Plan of Action – whose adoption, due to procedural reasons, was postponed until the first quarter of 2025.



Second State Parties Meeting on the Kampala Convention. © African Union.

Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement in Africa

The second annual *Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement*, with a focus on Africa given that 2024 marks the 15th anniversary of the Kampala Convention, took place in Dakar (Senegal) on 18-20 September 2024. Co-organized by UNHCR and the UN Special Rapporteur on the human rights of internally displaced persons in collaboration with the IDP Protection Expert Group (IPEG) and the Sanremo Institute on IHL, the forum brought together government officials from thirteen African countries: **Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, the Democratic Republic of the Congo, Ethiopia, Mali, Niger, Nigeria, Senegal, Somalia** and **South Sudan**. The Forum was also attended by representatives from Norway, Switzerland and the United States, as well as the African Union.

The aim of the event was for participants to engage in a facilitated peer-to-peer exchange on opportunities and means to effectively implement their respective legal and policy frameworks on internal displacement, and strategies to overcome recurrent barriers and advance prevention, protection and solutions for IDPs.

The Forum allowed for knowledge-sharing on key aspects of implementation of the Kampala Convention, including institutional, planning, and programmatic elements. The exchange identified challenges and showcased effective practices around key themes: (i) national responsibility and key components of a comprehensive response to internal displacement; (ii) governance structures and institutional coordination; (iii) effective planning and budgeting for implementation: tools and strategies, with a focus on IDP-specific as well as IDP-mainstreaming interventions (including addressing displacement in protection of civilians, peace and development action); (iv) engaging internally displaced people and local communities as citizens and residents and ensuring meaningful participation in decisions that affect them; (v) data and evidence, with a focus on official statistics on internal displacement.



Participants at the Cross-Regional Forum, Dakar. © UNHCR.



Participants discuss legal and institutional aspects of their national and local IDP response. © UNHCR/Martina Caterina.



Participants discuss legal and institutional aspects of their national and local IDP response. © UNHCR/Martina Caterina.

In December 2024, additional events were organised across Africa to commemorate the 15th anniversary of the adoption of the Kampala Convention and promote concrete action around it. For example, the Centre for Human Rights of the University of Pretoria and UNHCR organised in Pretoria a one-day roundtable with government and non-government stakeholders from the Southern Africa region. Similarly, in Dakar, NRC and the Norwegian Embassy organised a conference entitled: "The 15th anniversary of the Kampala Convention: achievements and remaining challenges for the protection of IDPs in West and Central Africa" in collaboration with DRC, ICVA, IOM, IRC, UNHCR and USAID.

National Developments

Becoming a State Party only represents an initial step towards the full implementation of the Convention. Action towards its incorporation into domestic law should swiftly follow to realize its full potential. **Niger** was the first country to complete the domestication of the Kampala Convention, as its National Assembly unanimously voted for the adoption of Law 2018/74 on the protection and assistance of IDPs in 2018. Before that, only **Kenya** had adopted an IDP law (in 2012), in line with its obligation under the ICGLR IDP Protocol as Kenya has not yet ratified the Kampala Convention. Since 2018, **Niger** adopted important decrees to support the implementation of the law and introduced other relevant legal and institutional reforms. While the National Coordination Committee for the Protection and Assistance of IDPs foreseen by decree 2020-297 has not been set up yet, other newly established platforms have taken on the coordination of displacement-related efforts, among their additional responsibilities in line with the National Humanitarian and Disaster Management Policy (adopted in March 2020) and its related Action Plan (2022-2026). These structures include the High-Level Tripartite Committee on the Humanitarian-Development-Peace Nexus, reproduced at the technical level also at regional, departmental and communal level across the country. In addition, following the adoption of the disaster risk management law (N°2022-61) on 19 December 2022, a national Platform for Disaster Risk Prevention and Reduction and a national Committee for Flood Prevention and Management were also established.

The Ministry of Humanitarian Action and Disaster Management - the institutional focal point for IDP issues in Niger in line with the IDP law - coordinates all the above-mentioned platforms and the implementation of all these law and policy frameworks.

In March 2023, the Government of **Niger** organised with the support of the Protection Cluster a national workshop on the operationalisation of the Kampala Convention and of Law 2018-74. The event was an opportunity to bring a variety of government and non-government stakeholders together, to again raise awareness, recreate political momentum around the existing IDP law, and discuss concrete steps that should be taken to improve the situation of IDPs on the ground. Furthermore, in 2023-24 the government and the national Protection Cluster organised various workshops on the implementation of action plans related to the IDP law in Diffa, Maradi, Tahoua and Tillabery. These activities targeted local authorities and the academic community. Finally, the government also initiated the development of a national strategy on durable solutions for IDPs, which was still pending adoption as of November 2024.

Two additional countries completed the process of domestication of the Kampala Convention: **Chad** and **the Republic of Congo**. **Chad** had been working on the development of an IDP bill with technical support from its protection partners since 2019. This was eventually adopted by the Council of Ministers in February 2023 and, on 24 May 2023, the Congress of Chad adopted by unanimity *Law n. 12 on the Protection and Assistance of Internally Displaced Persons within the Republic of Chad*. In particular, in line with the Kampala Convention, the law addresses all causes and phases of displacement; it identifies the National Commission for the Reception and Reintegration of Refugees and Returnees (CNARR, for its acronym in French) as the focal point for IDP matters and provides for the establishment of an inter-ministerial coordination mechanism. It also establishes sanctions for certain offences against IDPs. After its adoption, activities led by the government (CNARR) with the support of the protection cluster partners focused on raising awareness of different stakeholders, including IDPs themselves, around the newly adopted IDP law and what it means in practice.

Popularisation of the instrument was done through workshops and outreach sessions in the capital, N'Djamena, as well as in other provinces including Baga Sola, Liwa and Ngouri. As of November 2024, the implementing regulations that should accompany the law - drafted by the same technical committee which prepared the IDB bill - were still pending adoption.

This remains an essential step for the law to be applied in practice and it should be pursued as a matter of urgency. In 2024, the Government also embarked in the development of a durable solutions strategy based on its national IDP law and a decree it adopted in December 2023, creating an inter-ministerial Committee on Durable Solutions for IDPs.

Government voices:

“Why was it important for your country to domesticate the Kampala Convention through the development of a national law on internal displacement? How has it helped you respond as a government?”

Government participants from **Chad** and **Niger** at the Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement in Dakar (September 2024) answer:



Participants from Niger holding a copy of their national IDP Law. © UNHCR/Martina Caterina.

“The adoption of the IDP law is of great importance for Niger. By adopting such legislation, our country aligned itself with international standards for the protection and assistance of Internally Displaced Persons, thus reinforcing its credibility on the international stage. This specifically involves that the State of Niger fulfils the obligations arising from the ratification of the Kampala Convention through Law No. 2012-21 of 17 April 2012, authorizing the ratification of the Kampala Convention. Additionally, the IDP law on IDPs has allowed our government to strengthen the legal and institutional framework to ensure better protection and assistance, therefore enabling a more coordinated and effective response to the needs of IDPs. Operationally, Law No. 2018-74 has significantly improved our management of the IDP response, as it clearly defines concepts as well as the roles and responsibilities of all the actors involved in protection and assistance. In this regard, while the State is primarily responsible for protecting and assisting IDPs, partners support its actions and IDPs are at the centre of any action or project implemented for their benefit - it is a rights-based approach.”



Participants from Chad holding a copy of their national IDP Law. © UNHCR/Martina Caterina.

“Chad, a party to the Kampala Convention, deemed it useful to develop a national law on internal displacement in order to strengthen its legal framework to enhance the protection and assistance of internally displaced persons. The main objectives set by the law are clear and defined in Article 2 of Law 012 of 2023. Given Chad's extensive experience in protecting and assisting groups of forcibly displaced persons, the national IDP Law further supports our government as well as its humanitarian and development partners in respecting and ensuring the respect and enjoyment of the fundamental rights of IDPs, as provided by international, regional, and national legal instruments.”

The **Republic of Congo** also incorporated the Kampala Convention into its national legislation through the adoption on 30 September 2023 of *Law no. 29-2023 on the Protection and Assistance for Internally Displaced Persons in the Republic of Congo*. The development of this comprehensive instrument was led by the Ministry of Social Affairs and Humanitarian Action. The government is now focusing on awareness raising and dissemination of the law, and next steps must include the development of accompanying regulations to support the implementation of the law.

Several other states have also advanced in the domestication of the Kampala Convention, with the aim to incorporate it into national legislation through the development of a dedicated law on internal displacement. Although such processes were not completed in the time frame under consideration, different levels of progress were made in **Burkina Faso, Cameroon, Ethiopia, Nigeria, Somalia** and **South Sudan**.

In **Burkina Faso**, the IDP Bill went under various rounds of technical review by national and international stakeholders in 2023. The draft was eventually presented to technical advisors from key ministries and validated at a national workshop held in November. During the workshop, the text of its implementing decree and a roadmap identifying next steps were also agreed upon. Since then, the drafts were submitted to the Technical Committee for the Verification of Draft Legislation (COTEVAL, for its French acronym); the feedback received was incorporated by the inter-ministerial committee in charge of the domestication process during a follow-up workshop. As of November 2024, the IDP bill sat with the Minister of Solidarity and Humanitarian Action for an additional review before being presented to the Council of Ministers and the national assembly for its formal adoption. At the same time, discussions around the development of a national strategy on durable solutions for IDPs were also initiated with the support of the international community. Such a strategy will complement the *National Strategy for the Recovery of IDPs and Host Communities (2023-2027)*, which had been under development since 2021 with the support of the World Bank and the UN, and which was officially endorsed by the government on 30 June 2023 together with its accompanying operational plan for 2023-2025.

In **Cameroon**, a draft IDP law domesticating the Kampala Convention - which the country ratified in 2017 - was already under study at the inter-ministerial level in 2022. Since then, however, it has proved difficult to maintain the political momentum necessary for such a process. In order to reinvigorate these efforts, the Ministry of Justice, in collaboration with the ICRC and UNHCR, organised in December 2023 a workshop bringing together relevant stakeholders from the government (across several ministries), UN agencies, civil society and IDPs themselves with the aim to raise their awareness around the importance of the implementation of the Kampala Convention as an effective tool for the protection of IDPs, including through the establishment of an adequate legal framework in line with its obligations. As of November 2024, while advocacy efforts towards the completion of the domestication process continued, a draft strategy on durable solutions for IDPs had also been developed with the support of the international community. This represents another important opportunity to support concrete action in favour of IDPs in line with the Convention.



Representative of the Cameroon Government reflecting on key takeaways for Cameroon with the UN Special Rapporteur on the human rights of IDPs. © UNHCR/Martina Caterina.



Ethiopia: UN agencies launch a solutions strategy to help internally displaced at the Sabacare 4 camp for IDPs on the outskirts of Mekelle, in the Tigray region of northern Ethiopia. Some 400,000 people remain displaced in Tigray more than two years after hostilities ended in the region (12 November 2024). © UNHCR/Tarik Argaz.

In **Ethiopia**, the process of development of a law domesticating the Kampala Convention was initiated in 2019. On 14 August 2023, the Ministry of Peace and Ministry of Justice finally issued a draft titled *'Proclamation to Prevent Internal Displacement and Provide Protection and Assistance to Internally Displaced Persons'* - an instrument that covers all causes and phases of displacement, in line with the Convention. It aims to clarify authorities' roles and responsibilities, identify the coordination mechanisms to facilitate collaboration on this issue as well as funding arrangements for the implementation of the law. Since then, a series of consultations with national and international stakeholders were conducted and the draft was revised several times. As in many other countries, discussions continued to be centred around the identification of the entity that should

ultimately be responsible for internal displacement and the coordination arrangements with other ministries and sub-national authorities (an ever relevant issue, but even more so in the context of a federal state such as Ethiopia), with a particular focus on the role of the Ministry of Peace, the Ethiopian Disaster Risk Management Commission and the Ministry of Justice. As of November 2024, the draft Proclamation sat with the Council of Ministers; the Government communicated that remaining issues had been addressed, and it was expected that the IDP Proclamation would then be passed to the House of Peoples' Representatives for final approval by year end. Over the past couple of years, notable progress was also made at the national level and by various regional governments with the support of the international community (especially in the Somali, Afar, Tigray, Oromia and Southern Ethiopia Regions)

in relation to the establishment of durable solutions strategies and related costed implementation plans. A formal launch of the *National Strategy to implement solutions pathways to internal displacement in Ethiopia* took place on 11-12 November 2024.

In **Nigeria**, the domestication process of the Kampala Convention has continued since the adoption of the national IDP policy, although the process slowed down due to the presidential elections in February 2023. The IDP bill was represented to the House of Representatives in March 2024, passed by the House in July 2024 and transmitted to the Senate for consideration. Protection partners continued to advocate for this bill to be passed given its relevance; for example, a forum on the Kampala Convention domestication was organised with relevant parliamentary committees in May. In the meantime, in January 2023 a new law entered into force - the National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022 - repealing the previous National Commission for Refugees Act and expanding the mandate of this institution to also officially cover matters relating to migrants and internally displaced persons.

As of November 2024, the action plan to be developed to support the implementation of the national IDP policy also remained a draft. Where significant progress was made is at the sub-national level. In 2024, the governments of the states of **Adamawa, Borno** and **Yobe** all adopted action plans on durable solutions, creating interinstitutional, multi-stakeholder structures on this topic, at political and technical level. Similar efforts were also initiated in **Benue** State. In May 2024, **Yobe** State also adopted a broader state policy on internal displacement, with the objective of supporting the implementation of the national IDP policy at the local level, tailoring this comprehensive instrument to the needs of IDPs at the local level. While the proliferation of local IDP responses in Nigeria - as in other federal states such as Ethiopia and Somalia - certainly represents a positive development in itself and demonstrates the leadership and commitment of the authorities involved, a comprehensive response continues to require harmonisation of efforts and effective collaboration between the national and sub-national levels.



The Director General of Yobe State Emergency Management Agency presenting its state-level IDP Policy. © UNHCR//Martina Caterina.

In **Somalia**, the draft IDP law domesticating the Kampala Convention that had been in the making since 2020 was endorsed unanimously by the Council of Ministers on 20 March 2024. The instrument went through the first reading in Parliament in June, and it was hoped that it would go through the other two readings to be enacted during upcoming legislative sessions. This law will complement the 2019 *National Policy for IDPs and Returning Refugees*, as well as other relevant instruments such as the *National Durable Solutions Strategy (2020-2024)*. To make this strategy concrete and actionable, on 4 September 2024 the Federal Government of Somalia, through its Ministry of Planning, Investment and Economic Development, also launched its *National Solutions Pathways Action Plan 2024 – 2029*. This is a very comprehensive instrument, identifying concrete measures and targets by region, establishing a national coordination mechanism which brings together all relevant stakeholders to ensure a ‘whole-of-government’ approach, as well as a solid monitoring and evaluation framework.

Somalia also stands out for its efforts to include and integrate displacement issues in other relevant legal and policy frameworks, as the government understands displacement as a primarily development issue with humanitarian elements. As a result, solutions to displacement are incorporated in key planning documents such as the *National Development Plan (2020 – 2024)* and its successor, the *National Transformation Plan (2025 – 2029)*, as well as the *National Strategy for the Development of Statistics (2024-2029)*. Similar efforts have also been carried out at sub-national level by various regional states.

After a period of stall, the domestication process in **South Sudan** seems to have got some new momentum in July 2024, when the Minister for Humanitarian Action (responsible for IDP issues in the country) shared the existing IDP bill with key national and international stakeholders for a final round of review before this its discussion at the cabinet level.

If adopted, the IDP law will complement the South Sudan Durable Solutions Strategy and Plan of Action endorsed by the Council of Ministers on 8 October 2023.

This document, which is anchored on and guided by the Revitalized Agreement on the Resolution of the Conflict in the South Sudan (2018, Chapter 3 on Humanitarian Assistance and Reconstruction) and is the result of the Solutions Initiative established in 2020 under the IGAD Support Platform, aims to establish a framework to support South Sudanese refugees, returnees, IDPs and host communities to find sustainable durable solutions, and it provides guidance to authorities at all levels as well as other relevant national and international stakeholders to that end.

Since 2022, other important law and policy reform processes have also been ongoing in **South Sudan** - all with important implications for internally displaced persons as citizens and residents of their country.

These particularly include the development of: a land policy, a new electoral law as well as the establishment of a permanent Constitution. In order to encourage widespread participation and civic engagement among South Sudan's displaced populations in these processes - which have historically lacked meaningful participation and were largely dominated by elites, between March and August 2023 UNHCR, UNMISS and UN Women, in collaboration with the South Sudan Relief and Rehabilitation Commission (RRC), conducted consultations with IDPs and returnees inside South Sudan in the following 10 locations: Bor, Bentiu and Malakal, Mangalla, Yei, Yambio, Torit, Magwi, Wau and Raj, reaching about 100 displaced persons in each location. These were followed by regional consultations with refugees in Kenya, Uganda, Ethiopia and Sudan.

Although no significant progress on the Kampala Convention domestication was recorded in other countries that have had draft IDP laws fully developed for years, such as **Mali** and the **Central African Republic (CAR)**, some progress at the normative level was made there too. For example, with the support of the international community, CAR developed and eventually adopted in July 2024 a new *National Strategy on Durable Solutions for IDPs and Returnees in the Central African Republic (2024-2028)*.

In **Democratic Republic of the Congo (DRC)**, despite the ratification of the Kampala Convention in early 2022, there were no significant developments towards its domestication. An existing draft law on the protection and assistance of internally displaced persons currently is at the government level (Government Law Commissions), but it has not yet been adopted or presented to the Council of Ministers. Efforts in the country have focused on advocacy for the adoption of the law, the inclusion of displacement in national and provincial development planning instruments, and on the development of solutions-specific instruments at the local level. Over the past couple of years, durable solutions strategies have been developed at the national and provincial level both in Ituri and North Kivu, and they were pending final adoption as of September 2024.



Kampala Convention domestication workshop.
© UNHCR/Mozambique.

In **Mozambique**, the adoption of the *National Policy and Strategy for Internal Displacement Management* in 2021 represented a very important step towards the implementation of the Kampala Convention. Since then, the government has been considering which additional efforts at the legislative level, if any, remain necessary to complete the process of domestication in the country. In November 2023, the Ministry of Justice and the INGD, with the support of UNHCR, organised a workshop dedicated to this topic with several government and non-government stakeholders in Maputo. In its follow up, UNHCR has supported the finalisation of a full analysis of national legal and policy frameworks relating to the protection of IDPs to identify gaps and opportunities that can be used to strengthen the legislative framework on internal displacement in the country. At the same time, the government prioritised the implementation of the National Policy/Strategy on Internal Displacement Management through the development of an Action Plan that was pending adoption as of November 2024. In addition, since 2023 efforts have been made to incorporate issues of forced displacement and sustainable solutions for IDPs and vulnerable host communities as an integral part of provincial development strategies in key provinces affected by displacement.

In North Africa, normative developments related to internal displacement were mainly recorded in **Libya**. Although the country has not yet ratified the

Kampala Convention, a durable solutions strategy was developed with the support of the UN Country Team and agreed with the government in 2023. The strategy emphasizes the importance of addressing internal displacement as a matter of priority, and it identifies key areas for intervention. UN agencies committed to supporting the government in these efforts by including durable solutions for IDPs as one of the key objectives of the UN Sustainable Development Cooperation Framework (UNSDCF). In addition, the government took other legal and administrative measures for IDPs to be able to better enjoy their human rights, for example by adopting decrees and decisions that removed legal and administrative barriers that hinder IDPs from accessing services during displacement. The Libyan authorities also conducted damage assessments of areas affected by conflict and, based on these, developed comprehensive reconstruction plans and strategies with the goal of creating an environment conducive to the safe return and reintegration of IDPs. Some reconstruction and recovery funds were also established to support specific displacement-affected target areas such as Tawergha and Murzuq. These funds served various purposes, including providing compensation for lost properties. A compensation programme for assisting flood-induced IDPs from Derna was also reportedly initiated by the authorities.

No significant IDP-specific developments occurred in other countries.



TU VOZ ES IMPORTANTE

CONSULTAS PARTICIPATIVAS

...S VOCE
...LAZAMIE
...O EN HO

B Americas

Consultations “Tu voz es importante” (“Your voice is important”) with people internally displaced and at risk of displacement (including indigenous communities) to inform the development of implementing regulations for the IDP Law in La Esperanza. © UNHCR/Honduras.

IDP-specific instruments in numbers (as of 30 November 2024)

Total number of instruments:

18

(across 5 countries)

National level:

Sub-national level:



9

Laws:



5



4



9

Policies/
Strategies:



9

Regional Developments

At the regional level, some important developments have taken place over the past two years. On 9 January 2023, the Republic of Colombia and the Republic of Chile submitted a request for an advisory opinion to the Inter-American Court of Human Rights (IACtHR) seeking clarification of ‘the scope of State obligations, in their individual and collective dimension, in order to respond to the climate emergency within the framework of international human rights law, paying special attention to the differentiated impacts of this emergency on individuals from diverse regions and population groups, as well as on nature and on human survival on our planet.’⁹ The request seeks guidance from the Court on ‘the development of local, national and international policies and programs – in keeping with the commitments made under the American Convention and other human rights and environmental treaties – that enable them to better address the climate crisis, taking into account the obligations of prevention, guarantee and protection’.¹⁰ As of November 2024, the Court had not yet produced its advisory opinion, but the questions it was considering around what obligations and principles should guide the individual and coordinated measures that the States of the region should adopt to deal with involuntary human mobility,

exacerbated by the climate emergency, are also very relevant to States' responses to internal displacement in the context of disaster and climate change. This was also emphasised in UNHCR's Amicus Brief presented to the Court in December 2023¹¹ and reiterated in the context of the Court's 167th Period of Sessions,¹² held in Manaus, Brazil, in May 2024.

On 12 December 2023, Chile assumed the leadership of the Cartagena +40 (C+40) process, an event announced during the Global Refugee Forum held in Geneva. The process is being supported by UNHCR and has involved the coordination of four activities: Regional Consultations, a Declaration, the 2024-2034 Chile Plan of Action, and a ministerial event to be held in Santiago in December 2024.

The process is based on consensus, progress, and achievements of the region over the past decades, ensuring their inclusion at both national and regional levels. It continues the 2014-2024 Brazil Action Plan, maintaining the validity of its tools and best practices, while striving to reinforce, expand, and regionalise them in Latin America and the Caribbean. The thematic axes for the discussion and drafting of the Political Declaration and the Chile Action Plan are: (i) Protection of individuals in situations of human mobility and statelessness; (2) Comprehensive strategies for solidarity-based solutions, and; (3) Protection in contexts of forced displacement due to disasters.¹³

Among the latest resolutions and declarations adopted by the General Assembly of the Organisation of American States during its Fifty-Fourth Regular Session in June 2024, Resolution 3028 on "Promotion and Protection of Human Rights" also reclaimed the issue of internal displacement at the regional level after a few years of not specifically addressing it.¹⁴ In particular, the General Assembly urged member states "to include, as appropriate, in their sectoral plans, policies, and programs, the special human rights assistance and protection needs of internally-displaced persons"; and "to abide by the Guiding Principles on Internal Displacement prepared by the Representative of the United Nations Secretary-General on Internally Displaced Persons, incorporating them into their domestic laws when appropriate, as well as apply

them in designing and implementing plans, policies, and programs of support and protection for internally-displaced persons. (...)"



Resolution 3028 also acknowledged the important role of the Comprehensive Regional Protection and Solutions Framework (MIRPS, per its acronym in Spanish) Regional Technical Team on Internal Displacement, which has continued its work over the past two years enabling the exchange of knowledge, experiences, lessons learned, and best practices among its members through the implementation of its roadmap, in accordance with their domestic legislation, and considering their different realities, policies, capacities and priorities. Of particular

relevance to the strengthening of the application of national legislations on internal displacement was the peer exchange organised under the aegis of this group in Colombia in October 2023, which was also made possible thanks to the contributions provided by the MIRPS Support Platform.¹⁵

National Developments

At the national level, one of the most significant new normative developments in the region over the past two years has been the adoption of the long-awaited national *Law for the Prevention, Assistance and Protection of Internally Displaced Persons* in **Honduras**. This law, which was approved by Congress in December 2022 and published in the official Gazette in March 2023, constitutes a historic milestone - the first legal framework in Honduras dedicated to protecting individuals and communities from the impact of forced displacement due to generalised violence.

The law envisages a series of comprehensive measures to prevent: internal displacement (through the establishment of early warning systems, prevention and contingency plans); provide humanitarian assistance and protect affected rights, such as education, housing, land and property; support durable solutions, including through support for employment and access to justice. This legal framework adopts a whole-of-government approach through the creation of the National System of Response to Forced Internal Displacement (Spanish acronym: SINARDEFI), composed of three operational bodies: i) the Inter-Institutional Commission for the Protection of Forcibly Displaced Persons (Spanish acronym: CIPPDEF), as the highest decision-making and policy-making body; (ii) the Directorate for the Protection of Forcibly Displaced Persons (Spanish acronym: DIPPDIV), responsible for the operational response and the articulation of different measures to protect and assist IDPs, and (iii) the Municipal Units for the Protection of Forcibly Displaced Persons (Spanish acronym: UMAPPDEF), local offices to be established in the municipalities most affected by violence and displacement, responsible for responding to individual

and collective cases in the emergency phase, in coordination with the DIPPDIV. The law also foresees the creation of a *Fund for the Assistance of Displaced Persons*, to include a minimum amount of approx. USD 6 million for humanitarian and livelihood assistance. In addition, the law includes important provisions on data on internal displacement, referring to the collection of information on IDPs through an administrative Register of Forcibly Displaced Persons, to be newly created, as well as through the inclusion of data on IDPs in official statistics to support the evidence-based implementation of the law. The law includes an explicit reference to the important role of the National Statistical Office in collaboration with other relevant ministries in this area, which is an important first example of such provisions in IDP laws.

Since the beginning of 2023, the Government of Honduras with the support of its protection partners has made efforts to disseminate and raise awareness around the IDP law among a wide group of stakeholders, including IDPs themselves, as well as to promote its implementation.

The Ministry for Human Rights - the designated focal point institution responsible for IDP matters - carried out an analysis to identify priority actions for the implementation of the law in its first year of validity, which has taken steps to advance.¹⁶



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LEY PARA LA PREVENCIÓN, ATENCIÓN Y
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INTERNAMENTE EN HONDURAS
DECRETO 154 DE 2022





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Among them:

1. the installation of the CIPPDEF, with the two CSOs members publicly elected and rules of procedures adopted;
2. the participatory development of and adoption of implementing regulations accompanying the IDP law (ongoing, see box below);
3. creation of tools for protective services, e.g. operational manuals for various institutions;
4. strengthening of the technical and operational capacities of the institutions that form part of the SINARDEFI, through many ongoing training and awareness-raising exercises on internal displacement;
5. establishment of a mechanism for IDP participation;
6. development of operational guidelines for the municipal IDP units;
7. dissemination and socialisation of the IDP law.

On the last point, for example, in February 2024 the National Autonomous University of Honduras in collaboration with the ‘VOS’ Student Movement and the Faculty of Legal Sciences, the National Commissioner for Human Rights (CONADEH) and UNHCR, organised a ‘legal congress’ entitled: *“Reflections for the implementation of the Law for the Prevention, Assistance and Protection of Internally Displaced Persons”*. The event was an opportunity to foster a multi-sectoral dialogue to further address the legal challenges and institutional restructuring needs resulting from the new law, as well as to produce relevant recommendations for the CIPPDEF to take forward, thus contributing to the process of regulation and formulation of public policies that will accompany the law.¹⁷

Consultations to develop regulations accompanying the IDP Law in Honduras

In 2023, the Honduran Ministry of Human Rights, with the support of UNHCR and ICRC, and in coordination with the 18 institutions that make up the Inter-Institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF), began the process of consulting women, men, girls, boys and LGBTIQ+ persons in the cities most affected by internal displacement.



Consultations “Tu voz es importante” (“Your voice is important”) with people internally displaced and at risk of displacement (including indigenous communities) to inform the development of implementing regulations for the IDP Law in Choluteca, La Ceiba and La Esperanza. The question on the poster reads: “For you, what does it mean to participate in the implementation of the law on internal displacement?”. © UNHCR/Honduras.

Their experiences, prior to displacement and after having had to flee their homes, generate lessons for the construction of regulations and the implementation of the Law for the Prevention, Assistance and Protection of Internally Displaced Persons. These contributions are fundamental to the design of public policies that respond in a comprehensive, timely and adequate manner to the reality of people displaced by violence in Honduras. Listen to their voices in this video, available in [Spanish](#) and [English](#).

As a result of this process, the finalised executive agreement with the regulation of the law was being validated by the national Government as of October 2024, and it was expected to be approved soon after.

Efforts to promote the implementation of the Honduran IDP law also focused on IDPs' access to justice and the role of the judiciary in that. In 2024, UNHCR and the Hague Institute for Innovation of Law (HiiL) partnered to conduct a Justice Needs and Satisfaction survey along with a series of interviews, with the intention of understanding the legal needs of IDPs and those at risk of displacement in Honduras. The study found that IDPs often face more obstacles in resolving their legal problems.¹⁸ Their vulnerabilities, along with the lack of social and community ties, and the barriers to access formal and informal justice mechanisms to solve their problems, expose IDPs to greater or new justice needs, which can be very difficult to resolve. It is in this context that UNHCR initiated a collaboration with the judiciary to identify training and capacity building needs of judicial actors and Public Ministry in the area of internal displacement, and to agree on actions to address existing gaps.¹⁹

In **Colombia**, many legal and policy reforms took place over the past couple of years relating to internal displacement. Two developments deserve to be particularly mentioned, as they introduced important modifications to the Victims and Land Restitution Law (Law 1448 of 2011): the adoption of Law 2343 of 2023

in December 2023, which modified the deadlines for those who consider themselves victims of the armed conflict to the armed conflict to present their declaration before relevant authorities;²⁰ and the adoption of Law 2421 of 2024 in August 2024, which introduced a number of changes and aimed to strengthen the coordination capacities of the national system of response to victims.²¹ In addition, in the context of a renewed focus on solutions promoted by the UN SG's Special Adviser on this topic, the Government of Colombia (under the leadership of the Department of National Planning and in collaboration with the Victim's Unit and the Social Prosperity Department, among other relevant institutions) has worked with the UN Country Team (particularly its Steering Group on Solutions, in the context of the implementation of the Internal Displacement Solutions Fund) to advance on its commitment to durable solutions through the development of an agreed workplan, milestones and institutional arrangements. This should be formalised through the adoption of a public policy 'CONPES' document by the country's National Council for Economic and Social Policy, while the UNCT continues to support and encourage local governments in implementing local plans in some key cities.

The 20th anniversary of the Colombian Constitutional Court's Decision T-025 of 2004

2024 marked the 20th anniversary of the Colombian Constitutional Court's Decision T-025 of 2004, in which the Court declared an unconstitutional state of affairs (Spanish acronym: ECI, for *Estado de Cosas Inconstitucional*) in the area of forced internal displacement and ordered a series of structural transformations and corrective measures to ensure the protection of the rights of people who had been internally displaced in the country as a result of armed conflict and violence. This decision has had an important impact on the lives of IDPs and has led to important reflections on the role of the judiciary in this area both in Colombia and in the rest of the world.²²

Importantly, as part of its decision, the Court included a follow-up mechanism to ensure its implementation and specifically called for the participation of displaced communities to assist in the design and implementation of the new public policies on IDPs. Twenty years later, the decision is still being monitored through the establishment of a permanent 'Follow-up Special Chamber.' The Follow-up Special Chamber has been applauded by many academics and civil society for its inclusive methodology - a process which some refer to as 'dialogical justice' - as it brings together the government, the Public Ministry, academics and civil society before the chamber, which operates as a sort of mediator between these diverse groups. In 2022, the new Chamber President (Judge Natalia Ángel-Cabo) organized an evaluation of the work of the chamber to assess its impact and whether it should continue. All those who participated in the evaluation, including government representatives, ombudsperson and civil society, unanimously agreed that the Follow-up Chamber continued to have a vital role to play in keeping internal displacement high on the national agenda.

In this context, to commemorate Decision T-025/04 but also to encourage new conversations on the remaining challenges relating to internal displacement in the country, the Constitutional Court and UNHCR, with the support of partners,²³ organised in May 2024 a high-level event entitled: "*Constitutional Justice in Contexts of Conflict: Lessons from Judgment T-025 of 2004 and Reflections on the future of forced internal displacement*", bringing together national and international experts on this topic as well as people with lived experience of displacement.



In 2023, the Constitutional Court with the support of UNHCR conducted a series of technical sessions with victims across Colombia as part of the Court's follow up to the T-025. © UNHCR/Colombia.



Laura Marcela Borrero Fierro, Executive Committee of Victims, Colombia. © Constitutional Court of Colombia.



Opening panel at the first day of the event. © Constitutional Court of Colombia.



Colombia. Indigenous community confined in Chocó (25 April 2024). © UNHCR/Luisa De la Esprella.

In terms of issues that require additional legal and policy efforts, two in particular could be mentioned among those that the Constitutional Court of Colombia identified as part of its follow-up work on its landmark decision T-025 of 2004. The first one concerns the simplification of the existing complex system of public policies relating to prevention: indeed, the Court requested the government in its decision (*'auto'*) 894 of 2022 to develop a strategy for the articulation and rationalisation of public policy in this area, that was supposed to be presented to the Court within four months. The second one concerns the issue of *'confinamientos'* – 'confinement', a protection issue that has been on the rise in Colombia, which is recognised as a 'victimising fact' according to the national Victims' Law and results from restriction to people's freedom of movement imposed by armed groups. In its decision 811 of 2021, the Court reaffirmed the need for the State to regulate and ensure a comprehensive institutional response to protect and assist confined communities, which remains an important issue to be addressed.

Another area for important normative development in **Colombia** concerns the situation of people internally displaced by disasters and the adverse effects of climate change. On 20 July 2024, Bill N°15 of 2024 *'Whereby the condition of forced internal displacement due to causes associated with climate change and environmental degradation and natural disasters is recognised, guidelines are established for its identification and other provisions are enacted'* was filed.²⁴ In order to comply with Constitutional Court Ruling T-123 of 2024 in particular,²⁵ which highlighted the need for the State to safeguard the rights of people internally displaced as a result of environmental factors and urged Congress to develop a comprehensive regulatory framework to address this phenomenon, it is therefore essential that this draft is adequately consulted with relevant stakeholders before its adoption.

In **Mexico**, over the past two years several states have taken steps to strengthen their respective legal and policy frameworks to advance prevention, protection and solutions for internally displaced persons with the support of UNHCR and other protection partners.²⁶ Among the four states that had already adopted legislation on internal displacement, **Chiapas** considered starting to reform its 2012 IDP law in order

to make it more relevant to the current displacement context in the state. This decision also stemmed from considerations and lessons learnt around the challenges the government faced in the implementation of its 2012 IDP law, and how these could be overcome. Some of them reflect the learning and the good practices highlighted in Part 2 of this report. For example, through its recent efforts the government has tried to put more emphasis on: 1) the inclusion of IDP issues in different sectoral budget lines rather than having the financing of the law entirely dependent on a fund that may remain insufficiently funded, which was in itself a challenge; 2) measures to support the self-reliance of IDPs, to make them less dependent on humanitarian assistance; 3) the establishment of an administrative process in case of lack of authorities' compliance with their obligations. As of September 2024, the draft law was at the level of the Office of the Legal Counsel, before being submitted to the Governor and from there to Congress. Although draft regulations to support the implementation of the new draft law were also developed, as of September the process had slowed down in view of the elections taking place in October and December 2024.

In **Guerrero**, in 2023 the Government requested UNHCR's support to reform and regulate Law 487 to 'Prevent and Attend to Internal Displacement in the State of Guerrero', as well as to map social programmes in the state and build the capacity of relevant stakeholders including municipal authorities to respond to internal displacement in the state. Strengthening coordination among actors involved in the response continues to remain a priority - something that the government hopes to address including through the development of a dedicated response protocol. In **Sinaloa**, given that dedicated state budget for an IDP response was already allocated and an inter-ministerial commission on this topic was already in place, government efforts have focused on: the participatory development of implementing regulations to accompany the 2020 IDP law (see box below), the creation of an administrative registry on IDPs, and the implementation of concrete measures to respond to emergency situations and new displacement as well as to support solutions, particularly through the articulation of interventions by the institutional IDP focal point – the Welfare and Sustainable Development Ministry (SEBIDES, for its Spanish acronym) - with the Ministries of Labour, Health and Education.

Good practice: supporting participatory IDP law- and policy-making in Mexico

Upon request of the Government of Sinaloa, UNHCR Mexico provided technical assistance to support the design of a participatory methodology for the collection of inputs to inform the development of regulations to implement the state *Law to Prevent, Address and Comprehensively Repair Forced Internal Displacement in Sinaloa*. The consultative process took the form of five roundtables and additional consultations with IDPs over a period of three months, between December 2022 and February 2023. This work builds on UNHCR's leadership and strong technical expertise on both (community-based) protection as well as law and policy on internal displacement.

In proposing themes for the roundtables, UNHCR took as a starting point the articles of the IDP law that were prioritised by SEBIDES and agreed to combine them as follows: (1) General Provisions; (2) Prevention; (3) Comprehensive Assistance; (4) Protection; (5) Durable Solutions. UNHCR's proposed methodology set out key questions to guide the dialogue between all the stakeholders participating in each roundtable, including government officials from different ministries and agencies. Each roundtable had a moderator and a rapporteur, who collected the group conclusions/recommendations for each question, as well as any issues that emerged that went beyond the scope of the roundtable. In particular, the discussion focused on the assistance route to be established: which government institution should be responsible for it, in the emergency phase and longer-term? What direct communication mechanisms with the government can IDPs use to address potential issues? According to which criteria should authorities end humanitarian assistance to IDPs? Each group's conclusions were then presented and validated in plenary sessions. Issues that required not only a regulation or a protocol, but eventually a reform of the legislation, were also discussed in plenary sessions.

SEBIDES considered it most effective for IDPs to be included in a second phase of the dialogue, to get their input and feedback on already formulated proposals. UNHCR supported the government in organising consultations with IDPs in three different locations, during which IDPs shared their views and suggestions on how to strengthen the authorities' conclusions. The outcome reports from the roundtables and the consultations drafted by UNHCR were submitted to SEBIDES to inform the drafting of the regulations

and a related protocol, and presented to all those involved in the process for their feedback before the approval of their final versions.

Similar participatory methodologies, adapted to the local contexts, were also used in other places where UNHCR country offices – in collaboration with other protection actors as relevant - supported other governments in the region as requested in developing IDP laws (examples include the ongoing processes in Chiapas, Michoacán and Oaxaca States in Mexico) as well as implementing regulations accompanying a new IDP law (as it has been the case in Honduras and again Chiapas, Mexico). Additionally, during all consultations in Chiapas simultaneous interpretation was also provided in two of the main indigenous languages, Tzotzil (tsotsil) y tzeltal (tseltal), to ensure the effective participation of indigenous people in the discussions. Interpretation in relevant indigenous languages was also arranged during consultations in Oaxaca State.



IDP assembly in Guasave, Sinaloa, August 2024. © UNHCR Mexico.



© SEBIDES.

Even when considering the situation of Mexican states affected by internal displacement that do not have a dedicated legislation in place yet, a number of key legal and policy developments could be highlighted. In **Chihuahua**, where an inter-ministerial commission on internal displaced has already been established and the State Victims' Law is considered the main legal framework for IDPs to be able to access protection and assistance – provided that they have denounced what happened to them, the government aims to develop a protocol clarifying roles, responsibilities and procedures to more effectively respond especially in situations where IDPs do not come forward to denounce. In **Michoacán**, where the adoption of the draft IDP law developed in 2022 and related regulations remain pending, an interesting development in August 2024 was the adoption of municipal *Regulations On the Response To Internal Displacement Emergencies in the Municipality of Apatzingán de la Constitución de 1814*. This measure was taken by the municipal government to establish the necessary regulatory framework and agree on key concepts, so that authorities can coordinate and respond comprehensively to emergency situations of new internal displacement within the scope of their powers, and guarantee protection and assistance to IDPs accordingly. In 2024, the Government of **Nuevo León** has also reached out to UNHCR to develop a protocol for assisting people in situation of internal displacement.

Over the past two years, the Government of **Oaxaca** – through its Coordination for the Attention to Human Rights (CADH for its Spanish acronym), an auxiliary organ of the executive power of the state responsible for coordinating actions and dialogue with international and national bodies promoters and protectors of human rights – has also taken important steps to incorporate the *Guiding Principles on Internal Displacement* into its state legislation through the participatory development of a comprehensive IDP law. The resulting bill was presented to Congress on 9 December 2024. Interestingly, the government decided to have a comprehensive **instrument addressing all causes of displacement, including disasters and the adverse effects of climate change - a first in the Americas**. Given the nature of internal displacement in **Oaxaca** State, part of which is tightly linked to intercommunal dynamics and particularly affects indigenous

communities, during the consultations interesting questions were raised around what forms of arbitrary displacement should be prohibited in a context where individuals' and communities' expulsion from communal land is, under certain circumstances, an important form of punishment according to customary traditions. The whole participatory process with indigenous communities between July and September 2024 consisted in a six-stage process, including a stage to provide information to the communities in preparation for the actual consultations. More than 20 one-day consultation sessions were carried out, led by the CADH with the support of UNHCR and key partners, for a total of over 50 meetings in total. In some consultations, the CADH also worked with children to better understand the impacts of internal displacement.



Process of free, prior and informed consultation with indigenous and Afro-American peoples and communities to obtain their opinions on the principles and criteria for the drafting and adoption of a law on internal displacement in the State of Oaxaca. © CADH.

At national level, the efforts of the **Mexican** Government have focused on supporting the harmonisation of these multiple state-level efforts and their alignment with international standards. This has been done by producing technical guidance (for example, the *Guide on Registration of Persons in Situations of Forced Internal Displacement in Mexico*),²⁷ by supporting capacity-building activities on protection and solutions for IDPs for authorities at all levels and their partners, as well as by facilitating dialogue among relevant entities. An example of the latter would be the ‘*National Meeting on Good Practices and Opportunities in Inter-institutional Coordination to Address Internal Displacement in Mexico*’, an event co-organised by the Interior Ministry (SEGOB, for its Spanish acronym), the Ministry of Migration of the Government of Michoacán and UNHCR in August 2024.

In **El Salvador**, the adoption in January 2023 of a new child protection law, *Ley Crecer Juntos* (“Grow Together Law”) should be highlighted, as it includes an article on forced displacement as factor of vulnerability, whereby the state is mandated to create and promote plans, programs and projects to address it. In line with this, the government worked with UNHCR and other protection partners to develop practical to support the implementation of the law such as the *Protocol for the Comprehensive Care of Children and Adolescents and their Families in Situations of Internal Displacement or at Risk of Internal Displacement*, which was launched in March 2024. This protocol is aimed at ensuring that children, adolescents, and their families facing internal displacement or risk of displacement are treated with dignity, protected from secondary victimization, and granted the respect and special safeguards that their human rights require.

The role of community judicial facilitators to strengthen protection for forcibly displaced persons



© First Convention for community judicial facilitators, Supreme Court of Justice of El Salvador, 2023.

The Supreme Court of Justice of El Salvador, in partnership with UNHCR, organised in San Salvador three conventions for community judicial facilitators in 2023. Authorities, including the Ombudsperson (PDDH), the Civil Attorney (PGR), Magistrates of the Supreme Court, a delegate from the Organisation of American States, and 767 community judicial facilitators attended the first convention.²⁸ This alliance constitutes an important way to expand UNHCR’s outreach network in the field to raise awareness on displacement issues, identify protection cases and support conflict mediation in remote locations. A video on this important initiative is available [here](#).

In November 2023, the Ministry of Foreign Affairs of **El Salvador** launched the Human Mobility Policy, a strategic framework designed to support Salvadorans living abroad as well as those who have returned to the country. This policy acknowledges the Special Law for the Attention and Comprehensive Protection of Persons in Conditions of Displacement as an essential tool for both addressing and preventing internal displacement—a condition that can often be a precursor to irregular migration. UNHCR provided technical recommendations to help integrate the principles and standards of international law.

Interestingly, over the past two years in more than one country in the region draft laws on the prevention, protection and assistance to IDPs were presented to national congress as private members' bills. This year, in **Brazil**, two draft IDP laws were presented to National Congress. First, a proposal addressing all causes and all phases of displacement was submitted to the Senate as Project No. 2038/2024, '*Instituting the National Policy for Internally Displaced Persons*';²⁹ and a second proposal focusing on climate-related displacement was submitted to the country's Chamber of Deputies (lower house of the National Congress) as Project No. 1594/2024.³⁰ In **Guatemala**, a draft law prepared with the support of the Rafael Landivar University was presented as Legal Initiative N°6292 of 2023 in September 2023.³¹ In August 2023, the Government of **Guatemala** (through its Ministry of Foreign Affairs) organised in collaboration with UNHCR a national workshop entitled 'Approximations to Internal

Displacement' that aimed to equip government officials, specifically those in the national technical team for the MIRPS, with conceptual and content tools related to internal displacement. The event was also attended by technical focal points representing the Municipalities of Guatemala, Villa Nueva and Esquipulas. In follow up to this workshop, the MFA initiated with UNHCR a study analysing the current situation of internal displacement in the country.

In addition to these developments, the Guatemalan Ministry of Environment and Natural Resources issued a 2022-2024 Action Plan to prevent, minimize and address displacement related to the adverse effects of climate change; one of its components refers to preparedness for disaster displacement and the development of principles, guidelines and recommendations on planned relocation of communities at risk from disasters and the impacts of climate change.⁸ In 2024, the Ministry of Social Welfare has also collaborated with UNHCR to establish a case referral pathway for child protection cases concerning children affected by forced displacement. As part of the strategy, the Ministry integrated into the registration questionnaire used in its shelters a series of questions to ascertain whether the case exhibits an internally displaced person (IDP) or refugee profile. Along these lines, efforts were also made by the National Statistics Institute (INE) with technical support by UNHCR to include questions on forced displacement in INE's surveys and census in line with the International Recommendations on IDP Statistics.



Participants at the national workshop on internal displacement, August 2023.
© MFA Guatemala.



Bai Mina Madale, an internally displaced person from Marawi, has been actively advocating with the Senate to pass the Rights of IDP bill together with UNHCR and other partners. © UNHCR/Gia Luga.

C | Asia and Pacific

IDP-specific instruments in numbers *(as of 30 November 2024)*

Total number of instruments:

32

(across 13 countries)

	National level:	Sub-national level:
 19 Laws: >	2	17
 13 Policies/ Strategies: >	11	1

Regional Developments

At the regional level, in the timeframe under consideration for this report, the work of the Asia-Pacific Disaster Displacement Working Group continued. Of a particular relevance was a workshop on “*Preventing, Managing and Finding Solutions to Disaster and Climate-induced Displacement*” conducted in December 2023. The event brought together government officials from 12 countries across the Asia and Pacific region, as well as representatives from UN agencies and the Asian Development Bank, to look into the pertinent topics of prevention, response and durable solutions to internal displacement in the regional context. It was also an opportunity for participants to share best practices to manage climate-induced displacement, including from a law and policy perspective, and promote the establishment of a community of national technical focal points on disaster response.

In the Pacific, relevant normative developments have also focused on disasters and climate change. For example, the Pacific Islands Forum adopted the 2050 Strategy for the Blue Pacific Continent.³² This constitutes an integrated strategy regarding the region’s enduring challenges and it includes a specific climate change thematic area, which highlights the importance of addressing “disasters as well as climate change and disaster related mobility including

relocation, migration, and displacement”. In this context, various relevant legal and policy developments also took place in different countries.

National developments

When considering key legal and policy developments relevant to internal displacement that have taken place in Asia during the past two years, **the Philippines** certainly stands out as the country that made the most significant progress, although the important legal advances were made at the regional level.

On 27 September 2024 the Chief Minister of the **Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)** signed into law *Bangsamoro Act No. 62 or Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024*.

In view of the Parliament’s legislative process, the Bill would take effect 15 days after its publication in one official newspaper of regional circulation in the BARMM. In November 2024, efforts were ongoing to disseminate the salient features of the law and have initial consultations with stakeholders on provisions to be incorporated in the Implementing Rules and Regulations of the law.³³ This law constitutes a landmark measure as it constitutes the first legal framework within Southeast Asia that is IDP-focused and rights-based. It is a very comprehensive instrument, addressing all causes and all phases of internal displacement - including durable solutions. It also clarifies concepts, roles and responsibilities at the regional and local level. While efforts towards the establishment of a national legal framework to advance prevention, protection and solutions for IDPs continue, the relevance of regional and local efforts on IDP law and policy becomes even more significant.



Advocacy activities in 2023 for the adoption of the IDP Law in BARMM. © Consortium of Bangsamoro Civil Society (CBCS).

Good practice: developing and implementing municipal ordinances on internal displacement

Another interesting practice to highlight from the Philippines concerns the local policy-making efforts to better protect and uphold the rights of IDPs in all phases of displacement undertaken by local government units (LGUs) since 2021, with technical assistance by UNHCR.³⁴ As of October 2024, this had already resulted in the issuance of municipal-level ordinances on internal displacement in 16 municipalities in BARMM. The Provincial Government of Dinagat Islands is also the first to issue an IDP ordinance at the provincial level. Through the support of UNHCR's project partner, the Consortium of Bangsamoro Civil Society (CBCS), ten more LGUs in the region were anticipated to pass their draft ordinances before the end of the year. Among others, the ordinances contain provisions related to access to

mechanisms to help resolve property disputes and other matters, as well as prevent further displacement as part of peace compacts or peace agreements.³⁵ Some also have provisions related to mediation and dialogue among IDPs and host communities towards peaceful coexistence.³⁶

In February 2022, South Upi became the first municipality in BARMM who enacted a municipal-level ordinance that aims to better protect and assist IDPs and pursue durable solutions for and with them.



Ms. Beatriz "Bea" Yap, drafter of the ordinance of South Upi and Indigenous Peoples Mandatory Representative of her locality.
© UNHCR/ Karen Cepeda.

The ordinance emphasises the rights of IDPs and the primary responsibility of the local government to support IDPs' voluntary return or resettlement in safety and dignity. Following its adoption, several changes were observed particularly in the manner the LGU addressed the needs of IDPs, resulting in a more predictable and accountable response. For instance, preparedness measures to minimize the impact of displacement have improved: the LGU of South Upi forged several agreements with the private sector, including homeowners, transport companies and business sector to better prepare transportation support for IDPs, preposition of relief supplies, and designate vacant lots that can be used for makeshift shelters. By doing so, the local authorities have prevented community tension and addressed some of the protection risks arising from the lack of vehicles during evacuation, delayed relief assistance and overcrowded evacuation centers. They have also forged agreements with civil society organizations that committed to increasing their financial and human resources support. Moreover, the IDP ordinance has enhanced the displacement tracking and monitoring of the LGU: the LGU has embarked on pre-emptive evacuation profiling exercises, to gather updated information on the population profile - including those at risk of displacement. Through this, authorities' decisions and plans can be better informed and life-saving responses provided in a timely manner, which help reduce tensions and minimize the impact of displacement.³⁷

Through the adoption of the IDP ordinance in South Upi, existing mechanisms to resolve tension and disputes, maintain peace and order, and prevent displacement have also improved.

The *Operation Balik Evacuees para sa Tahimik na Pamayanan (OBET Pa!)*, institutionalized nine months after the IDP ordinance was passed, has been given more value in view of the recognition of the importance of prevention as a way of providing solutions to displacement. The *OBET Pa!* Program aims to implement policies and programs for the effective settlement of clan wars, *rido* and other intercommunal conflicts.

According to the South Upi LGU, more than 200 hundred hectares of agricultural land had become unproductive due to land conflict. Through the *OBET Pa!* Program, these insecurities have been resolved slowly, which has allowed some displaced communities to safely return to their lands and secure titles. In Barangay Lamud, the decades of conflict of two opposing families have come to an end as they finally signed an agreement to live a peaceful and harmonious community.³⁸ The success of the program has led to include other barangays with volatile security situations. The then Office of the Presidential Adviser for Peace Process (OPAPP)³⁹ signified its intention to help the LGU in implementing the program specifically for land survey and titling of the contested areas in South Upi.⁴⁰ The municipality was awarded with the Seal of Good Housekeeping by the DILG because of this initiative.

Given the importance of these localised efforts, there have been attempts to replicate this practice in other vulnerable localities in the country. In May 2024, the National Anti-Poverty Commission (NAPC) endorsed the capacity-building support on development of IDP ordinance to the officers of various Leagues; in 2023, the Department of the Interior and Local Government (DILG) also committed to endorse the development of local policies by the League members. It is envisaged that DILG will issue a national directive urging LGUs all over the country to develop as relevant ordinances to better prevent displacement, protect IDPs in emergency and post-crisis situations, and establish conditions to achieve durable solutions. In September and October 2024, UNHCR collaborated with the Philippine Councillors League and the Office of the Presidential Adviser on Peace Reconciliation and Unity in organizing series of writeshops on IDP Ordinance Development, Conflict Sensitivity and Peace Promotion with municipal and city councillors outside BARMM.

These activities form part of UNHCR's commitment under the joint programming with UNDP and IOM through the UNSG's Peacebuilding Fund.

Local governments also have an important role to play in advocating with relevant national authorities for the establishment of an adequate country-wide legal framework on internal displacement. Interestingly, and thanks to the advocacy and sensitisation efforts of many interested national and local stakeholders, in 2023-24 the Regional Development Councils (RDCs) of 14 - out of 16 - regions in the country issued resolutions supporting and urging the enactment of the national IDP bill, which is still pending.⁴¹

UNHCR has also continued to work with partners and allies including the UN Resident Coordinator and key UNCT members - particularly IOM and UNDP under the Peacebuilding Fund, the Philippine Legislators' Committee on Population and Development, the National Human Rights Commission, and the Philippine Red Cross, to promote the passage by Congress of a national law that recognizes the rights of IDPs and promotes long-term and sustainable solutions.⁴² Together, they tried to identify strategies and opportunities to get the IDP bill adopted in the 19th Congress through engagement with stakeholders at all levels of governance and utilizing holistic, inclusive, and consultative approaches. For example, in coordination with the Office of Senator Legarda as one of the authors of the IDP bill, a photo exhibit showcasing the stories of resilience of IDPs and other population groups was organised in Congress during August 2023⁴³ and March 2024,⁴⁴ and on the side advocacy meetings were conducted with Senators throughout this period.

In October 2023, UNHCR conducted a two-day training for over 50 participants representing the 14 Basic Sectors of the National Anti-Poverty Commission (NAPC), which was followed by a similar training with the Government Sector of the NAPC in April 2024. Both undertakings aimed to mainstream the protection of IDPs into NAPC's programmatic and policy decision-making processes by enhancing their knowledge and understanding of IDP principles and standards. As a result, NAPC also committed to promoting the adoption of the national IDP Bill and ensuring the incorporation of IDP considerations into their sectoral agenda and local poverty reduction action plans.

Concretely, on 10 July 2024, the NAPC En Banc approved the endorsement of the IDP Bill as an urgent bill. Similar discussions were also held with chief officials of the Department of Social Welfare and Development, Department of the Interior and Local Government, and Department of Human Settlements and Urban Development – all aimed to strengthen areas of collaboration, including around legislative advocacy. The IDP agenda was also elevated through the visits to the Philippines of the UN Special Rapporteur on Climate Change, and the UN SG's Special Adviser on Solutions to Internal Displacement in November 2023.

At the national level, the Senate initially deliberated over the filed IDP bills on 18 September 2024, when it agreed to establish a Technical Working Group to enhance and consolidate the currently filed bills. At the same time, the Government of the Philippines has continued to take important legal and policy measures to include internal displacement across different sectoral and development interventions. The work of the NAPC is a good example of that, as the agency has been very supportive in ensuring that the needs of IDPs, particularly those in protracted situations, are included in the medium to long-term development plans of local government units. Internal displacement was also included in the Philippine Development Plan 2023-2028, with an emphasis on early warning as well as support for housing, livelihoods and employment for IDPs.

In **Afghanistan**, the United Nations issued a *Strategic Framework for Afghanistan for the period 2023-2025*, articulating the UN's approach to addressing basic human needs in Afghanistan, prioritizing the needs and rights of those most vulnerable, including women and girls, children and youth, internally displaced persons, returnees, refugees, ethnic and religious minorities with priority areas on sustained essential services; economic opportunities and resilient livelihoods; social cohesion, inclusion, gender equality, human rights and rule of law. In order to better address the assistance and protection needs of IDPs and returnees, the National Durable Solutions Working Group developed a Strategic Framework on Solutions to Internal Displacement (2023-2024) and related action plan under the leadership of the UN Resident Coordinator.



Afghanistan: A skilled internally displaced woman artisan working in Herat.(29 January 2024). © UNHCR/Oxygen Empire Media Production.

The document outlines the shared vision of the humanitarian and durable solutions actors and the strategic direction for collective action to resolve protracted internal displacement in line with the Secretary-General's Action Agenda on Internal Displacement.

In **Fiji**, the Government adopted *Standard Operating Procedures for Planned Relocation in the Republic of Fiji* in March 2023. This document is meant to operationalize the Planned Relocation Guidelines that were adopted in 2018, to effectively address the needs of climate-displaced persons.

In **Papua New Guinea**, the Government through its Department for Provincial and Local Government Affairs (DPLGA) continued to work in partnership with IOM to develop a national policy on internal displacement. As part of this work, provincial consultations and field assessments were completed across different IDP locations to gather evidence useful to inform drafting

of the policy between 2022 and 2024.

A validation workshop of the draft policy bringing together relevant stakeholders was conducted on 3 October 2024.⁴⁵ However, the policy had not yet been adopted as of the end of that month.

At the end of 2022, the Government of the **Solomon Islands** finalised and adopted Planned Relocation Guidelines. This document is the culmination of the participatory approach taken by the Solomon Islands to develop policy instruments to proactively address disaster displacement, as well as minimize the negative impacts of displacement.

In **Vanuatu**, under the leadership of the Ministry of Climate Change and in the context of the efforts promoted by the UNSG's Adviser on Durable Solutions, a Durable Solutions Taskforce was established in 2024 as a cross-sectoral coordination mechanism led by the Resident Coordinator, including multiple government ministries and UN agencies with a focus on integrating durable solutions into work plans.



Ukraine: Families evacuate from Donetsk region (14 August 2024). © UNHCR/Chadi Ouanes.

D Europe

IDP-specific instruments in numbers (as of 30 November 2024)

Total number of instruments:

39

(across 8 countries)

National level:

Sub-national level:



14 Laws:



8



6



25 Policies/ Strategies:



21



4

Regional Developments

At the regional level, over the past two years, the Parliamentary Assembly of the Council of Europe (PACE) adopted a number of resolutions relevant to the protection of IDPs, some of which focused on the situation in Ukraine,⁴⁶ while others had more of a thematic focus.⁴⁷ Indeed, at the national level, **Ukraine** has remained the country that has seen the highest number of recent legislative and policy changes in relation to internal displacement.

National developments

Since 2022, developing a **compensation framework for damaged and destroyed housing** has been a major focus for Ukrainian policymakers. The process began with the development of technical-level bylaws in 2022 aimed at allowing people to report their damaged housing. This evolved into the adoption of the *Law on Compensation (No. 2923-IX)* in February 2023. This law establishes a comprehensive framework for compensation, detailing various mechanisms, defining eligible applicants, outlining the roles and responsibilities of authorities, and specifying required documentation.

Following the law, the Government of **Ukraine** developed several implementing resolutions to detail the compensatory mechanisms across different scenarios: *Resolution No. 381* (damaged housing), *Resolution No. 600* (destroyed housing), *Resolution No. 609* (damages related to the Kakhovka Dam), *Resolution No. 642* (The Register of damaged property), and many other additional technical resolutions to address practical implementation gaps. The overall policy dictates that compensation is available exclusively for property owners whose properties are located in government-controlled areas. Eligibility and compensation amounts are determined after assessments by local commissions. Funds are allocated specifically for restoration or, in cases of total destruction, for the purchase of new housing.

Another important component of the restitution framework is the establishment of the *Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (RD4U)*. This register, adopted under a Council of Europe framework, records evidence and claims of damages inflicted on individuals, entities and the State of Ukraine since 24 February 2022. To formalize its participation in this framework, Ukraine adopted *Law No. 3432-IX and Resolution No. 365* on procedure for submitting applications to the RD4U.



In November 2023, the Ministry of Reintegration partnered with SSS Ukraine, IREX and UNHCR Ukraine to convene the first All-Ukrainian Forum of IDP Councils, with representatives of 156 IDP Councils in attendance. In this photo, the UN Special Rapporteur on the human rights of IDPs and other members of the IDP Protection Expert Group (IPEG) were presenting global experiences in supporting IDP participation and inclusion in local governance. © UNHCR Ukraine.

In addition, to improve the situation of the approximately 120,000 IDPs living in over 2,500 collective sites across Ukraine (primarily in the western and central oblasts), on 1 September 2023 the government introduced *Resolution No. 930*. For the first time since 2014, **this resolution formalises the status and operations of collective sites** that were already existing, but without proper legal regulation. The document defines collective sites, sets minimum living standards, and establishes procedures for their registration, security of tenure for residents, monitoring, and accommodation processes.

Another key milestone was the **adoption of the legal framework for creating IDP Councils** through *Resolution No. 812* on 1 September 2023 by the Government of Ukraine. These councils are designed to ensure the active participation of IDPs in the policymaking process, advocate for legislative improvements, and promote the provision of comprehensive social support, housing, employment opportunities, and legal assistance to IDPs. They also aim to strengthen collaborations between IDPs and various governmental and non-governmental organizations. By August 2024, this initiative had successfully led to the establishment of over 1,000 IDP Councils across the country.

The Government of **Ukraine** also adopted its *State Strategy on Internal Displacement (2023-2025)* on 7 April 2023, accompanied by its *Operational Plan*. This Strategy outlines five main strategic goals: enhancing the state's capacity to respond to internal displacement; ensuring safe evacuations; facilitating the initial-stage integration of IDPs; supporting the integration of IDPs and the capacity of host communities, and enabling safe returns and reintegration of IDPs. On a related note, on 26 April 2024, the Ministry of Reintegration adopted its *Strategy for 2024-2026* through *Order No.126*, along with an Action Plan. This strategy focuses on the reintegration of occupied territories and populations, adherence to International Humanitarian Law, and the protection of the rights of war-affected individuals.

However, the political landscape shifted in the second half of 2024. The Cabinet of Ministers underwent significant changes, including the reassignment of the Deputy Prime Minister for Reintegration to the Office

of the President and the subsequent elimination of this role, casting uncertainty over the ministry's future and the possibility of its functions being redistributed among other ministries. **This restructuring has added uncertainty to several critical initiatives**, notably the *IDP Housing Strategy* and the *IDP Employment Strategy*, both of which were aimed for adoption by the end of 2024 but are now on hold. **Without a dedicated entity to champion IDP issues, these issues may lack the necessary focus and support**, potentially impeding their resolution.

In **Azerbaijan**, the main normative development related to internal displacement during the period considered was the adoption by the government its first State Program on Great Return in November 2022. Azerbaijan introduced the legislative changes related to agricultural land, administrative division and taxation that concern the territories of the return of IDPs in the reported period September 2022- September 2024. Although IDPs are not specifically mentioned in these documents, many are nevertheless relevant to them.

In its continuous efforts to effectively implement its national IDP Law, **Georgia** is gradually adjusting its assistance to IDPs by moving towards a prioritisation of families directly affected by displacement, rather than blanket coverage of everyone with IDP status (including new generations who were never directly displaced but inherited the IDP status in accordance with the IDP law). According to amendments to the law *On the approval of the rules for providing housing for displaced persons* adopted in September 2022, the government's "Obligation to support IDPs with durable solutions is applicable to individuals born before 1 January 2023". These amendments therefore make all new-born children entitled to IDP status ineligible for housing allocation. In addition, "IDPs who are minors by 2023 will be considered for the housing allocation along with the family members and will not have a right to seek for additional, separate housing solutions from the government."

It should be noted that before their adoption, these draft amendments were discussed with various local and international organisations including UNHCR within the IDP Steering Committee and its technical working groups, which allowed authorities to explain their efforts towards an efficient distribution of resources.

Some countries that do not currently have an IDP law in place have also considered steps to strengthen their national legal framework. In 2024, the Government of **Armenia** (through the Migration and Citizenship Service of the Ministry of Internal Affairs) reached out to UNHCR requesting technical assistance to establish comprehensive national legislation on internal displacement. The government considers such efforts as a form of preparedness in case of potential displacement situations. UNHCR is therefore supporting the authorities with the revision of existing legal frameworks in order to better understand potential normative gaps and inform next steps - the development of a dedicated draft IDP law or other forms of legislative interventions that may be deemed useful. As of November 2024, a similar process was also ongoing in **Moldova**.



Yemen: In the Al-Jarad Camp, nestled in Yemen's Lahj Governorate, resilience is a daily test for Abdullah Ahmed Awad, a 35-year-old father of five (21 November 2024). © UNHCR/SHS.

E Middle East

IDP-specific instruments in numbers *(as of 30 November 2024)*

Total number of instruments:

3

(across 2 countries)

National level:

Sub-national level:



3

Policies/ Strategies:

ALL

Regional Developments

Over the past two years, important progress was made in relation to normative frameworks on internal displacement at the regional level under the aegis of the League of Arab States (LAS). In 2022,⁴⁸ the Joint Committee of Experts and Representatives of the Ministries of Justice and Interior and other relevant officials met to develop a *Draft Arab Guiding Law to Protect and Assist Internally Displaced Persons in Arab Countries* (the “Draft Arab Guiding Law”). The first draft was prepared by Iraq with UNHCR providing technical support. In September 2023, the Technical Secretariat of the Council of Arab Ministers of Justice and the General Secretariat of the Council of Arab Interior Ministers convened the first meeting of a Joint Committee with the participation of representatives of the Ministries of Justice and Interior from 15 Arab states in addition to the two Secretariats. A representative from the Ministry of Migration and Displacement of the Republic of Iraq was nominated to chair the meeting. Participants discussed the draft law articles in light of the comments received from Member States before the meeting, in addition to the interventions made during the meeting. The participants agreed that a second meeting of the Joint Committee should be held to further study the revised draft law.

This second meeting took place in May 2024. The meeting report, including the recommendations from the meeting, as well as the Draft Arab Guiding Law in its revised form were then circulated among the Ministries of Justice and Interior as well as the focal point institutions for IDP matters, as relevant, in preparation for the submission of the draft law to the next session of the Council of Arab Ministers of Justice and the Council of Arab Ministers of Interior to move towards its adoption.

National developments

At the national level, some important normative efforts across countries affected by internal displacement in the region have focused on durable solutions. For example, in **Yemen**, collaborative UN inter-agency efforts, in support of the Internationally Recognised Government through the Internal Displacement Solutions Fund, have focused on: 1) developing four localized action plans for durable solutions in Aden, Lahj, Marib, and Taiz Governorates in coordination with local authorities; 2) strengthening the capacity of local and national authorities to lead the implementation of community-led solutions, prioritizing livelihoods, protection, governance, and social cohesion; and 3) formulating a roadmap to support the implementation of the 2013 Yemen National IDP Policy, in close collaboration with the Executive Unit for IDPs and other key ministries.⁴⁹ This joint initiative, launched in early 2024 and continuing into 2025, aims to translate these frameworks into concrete actions that advance protection and sustainable solutions for IDPs.

In **Iraq**, the UN has been working with the Government of Iraq on developing a *Roadmap on Accelerating the Implementation of the National Plan to Resolve Displacement in Iraq*, in line with the initiative of the UNSG's Adviser on Solutions to Displacement. This Roadmap would replace the previously drafted Compact and build on the existing national plan. While this process was temporarily halted in 2024 after the Council of Ministers announced the intention to close all remaining IDP camps in Iraq's Kurdistan Region, following the extension of the decision to close the remaining IDP camps, the Government of Iraq and the Kurdistan Regional Government established a High Committee that drafted recommendations on the way forward.

In **Syria**, over the past two years a number of relevant legislative and policy reforms were introduced. In March 2023, the President issued Legislative Decree No. 3 of 2023 that exempted all earthquake-affected people from regular taxes, some fees and fines, including the ones related to civil documentation and registration of vital events, as well as taxes and fees related to reconstruction work and the restoration of affected buildings. The decree also provided access for affected people to loans up to 200 million Syrian pounds for reconstruction and restoration works. Shortly after, Legislative Decree No. 7 established a National Fund for Supporting Earthquake-Affected People enforceable for three years after its publication. The fund aims to provide financial support to earthquake-affected people for the reconstruction of damaged houses or acquisition of newly constructed social housing, in accordance to approved standards. General Amnesty/Legislative Decree No. 27 was also issued in September 2024, waiving fines normally imposed for delayed registration of civil events and issuance of civil documents. This waiver is valid for three months for Syrians inside the country.

PART 2:

LEARNING FROM IMPLEMENTATION

1. INTRODUCTION

The extent to which States develop and implement national laws and policies on internal displacement remains a major marker of their political recognition of internal displacement and the need to address it. While the **2022 Global Report on Law and Policy on Internal Displacement**⁵⁰ aimed to provide a **first, comprehensive baseline of States' efforts** in the area of law and policy on internal displacement since the 1990s and analyse trends at the global and regional levels, the second part of this 2024 Global Report **builds on that analysis to delve more deeply into the implementation** of existing frameworks.

This work is based on research conducted by an office of the United Nations High Commissioner for Refugees (UNHCR) consultant in 2023, which examined the role of domestic law and policy in implementing the State response to internal displacement. The research looked at the legal, policy and institutional response by affected States in order to identify challenges, lessons learnt, good practices and opportunities to strengthen implementation, drawing on evidence from **15 countries** addressing displacement due to conflict and violence (as well as other causes in some cases): **Afghanistan, Azerbaijan, Central African Republic (CAR), Colombia, Democratic Republic of Congo (DRC), Ethiopia, Georgia, Honduras, Iraq, Mexico, Niger, Nigeria, Somalia, Ukraine and Yemen.** The narrative of this part was finalised in June 2024, therefore normative and institutional developments that have occurred after this date have not been included in this analysis.

Background: Why research on implementation?

Ever since internal displacement emerged as a matter of international policy concern during the 1990s, encouraging national ownership by States for displacement taking place within their borders has been at its heart. The foundational idea, advanced by the first UN Representative of the Secretary-General (RSG) on internally displaced persons (IDPs),

of **'sovereignty as responsibility'** locates the primary responsibility for responding to internal displacement with the affected State. This led to efforts to spell out the content of this responsibility for affected States (and other subsidiary entities), which culminated in the 1998 UN Guiding Principles on Internal Displacement. Subsequent international frameworks and tools build this concept of national responsibility in different ways. For instance, the 2005 Brookings Framework for National Responsibility sets out key benchmarks for discharging a government's responsibility towards IDPs. The 2006 International Conference of the Great Lakes Region Protocol on IDPs and 2009 Kampala Convention recast the content of national responsibility towards displacement as new international legal obligations for the African State parties to each treaty. The 2010 Inter-Agency Standing Committee (IASC) Durable Solutions Framework sets policy standards on how government responsibility towards IDPs changes over time, transitioning from an IDP-specific response towards one that integrates IDPs into their overall responsibility towards all their citizens and residents.

The adoption of domestic IDP laws and policies has long been seen as key to ensuring national ownership by States. Successive RSGs and Special Rapporteurs on IDPs have called for the adoption of national IDP frameworks by countries where internal displacement has occurred. International agencies such as UNHCR and the International Committee of the Red Cross (ICRC), in collaboration with the Special Rapporteur on IDPs and other protection partners, have regularly provided the governments of countries experiencing high levels of internal displacement with technical advice and support for drafting laws and policies. International agencies have for example provided support to State parties to the Kampala Convention to incorporate treaty obligations into national legislation. These efforts have contributed to the establishment of laws and policies on internal displacement, which has been acknowledged as a significant area of success over the past three decades of IDP work.⁵¹ **Yet the creation of a domestic law or policy on IDPs only partially indicates whether a State has assumed its responsibility towards IDPs and taken ownership of the issue at the national level.**

While adequate national legal and policy frameworks will be crucial to the effective implementation of the IDP response by affected States, so too will institutional arrangements and activities. As such, there is a need to better understand and examine at a minimum:

1. How national laws and policies frame the response to internal displacement, and
2. How the institutional structures set up to implement these standards are arranged and function in these contexts.

Response to internal displacement

‘Response to internal displacement’ (or ‘IDP response’) is intended in this report as a broad term embracing all activities and measures undertaken in the course of the displacement process. This includes measures to (a) prevent, prepare for and mitigate the consequences of displacement; (b) provide assistance and protection to IDPs; and (c) find and support durable solutions.

Comparative research on these points is relatively sparse as of yet. On point (i), much of the existing research focuses on the issue of whether national IDP law and policy adequately incorporates international standards on internal displacement, such as those in the 1998 Guiding Principles or 2009 Kampala Convention.⁵² By contrast, research that addresses the scope and role of domestic IDP-specific law and policy as a topic in its own right remains still comparatively rare,⁵³ although, during the development of this research, an important study on how such law and policy can contribute to effective action was published.⁵⁴ On point (ii), an extensive study from 2011 applied the benchmarks of the Framework for National Responsibility in 15 conflict-affected countries.⁵⁵ Noting the relative paucity of comparable data, this 2011 study found the pertinent domestic IDP instruments were often limited in scope and their adequate implementation was ‘largely lacking’, especially in relation to prevention (whilst return of IDPs was the priority solution for most governments).

It highlighted that the government response was heavily influenced by politics and that national human rights institutions and international actors played an invaluable role in improving the national IDP response. Subsequent scholarly research identified good State capacity and the use of the judicial system as the two key factors promoting successful implementation of national IDP frameworks in practice.⁵⁶ In this context, the **2024 Global Report combines both points to provide a novel contemporary perspective on how both the domestic framing of IDP law and policy and the nature of the domestic institutional response shape the effectiveness of the IDP response and, as a result, where and how its domestic implementation can be improved.**

Scope of the research

IDPs are citizens or habitual residents of a country,⁵⁷ who have specific displacement-related needs. This means they have the same rights as other nationals, but their situation may require specific attention to ensure that they can enjoy these rights. The creation of domestic laws and policies concerned with IDPs plays an essential role in framing and structuring the response to internal displacement by States - and other actors. In light of the considerations above, this report evaluates through a comparative lens two crucial aspects of how the governmental response to internal displacement is implemented in 15 (primarily) conflict-affected countries:

1. Firstly, **it assesses how the response to internal displacement is framed by domestic law and policy on internal displacement** in the selected countries (considering the “personal” as well as the “material” scope of the response, respectively Section 2 and 3). This focuses on IDP-specific instruments and the core rules or standards that they set for the IDP response in the particular country, although consideration is also given to IDP-inclusive instruments as pertinent.
2. Secondly, **it examines the institutional response to internal displacement in the selected countries** (Section 4). This considers how national law and policy affect the institutional and coordination arrangements, as well as how these function and evolve over time.

In the context of this report and that of UNHCR's [IDP Law and Policy Dashboard](#), '*IDP-specific*' instruments are those frameworks (i.e. laws, policies, strategies, action plans etc.) specifically dedicated to prevention, protection and assistance and/or durable solutions for internally displaced persons (also referred to as 'IDP instruments' or 'IDP laws and policies').

'IDP-inclusive' instruments are those frameworks relevant to internal displacement though not IDP-specific, such as frameworks on documentation, land, development, peace, disasters and climate change - as long as they include provisions explicitly addressing displacement or referring to the situation of IDPs.

Both types of instruments may be adopted at the national or sub-national level.

Running throughout the analysis in this study are two cross-cutting questions: one about **the role that national law and policy play in shaping the implementation of the IDP response** across the countries (and particularly how they can support from the start durable solutions for internally displaced persons and their effective inclusion into national systems as citizens and residents with specific protection and assistance needs), and a second one about the **factors affecting the institutional implementation of the IDP response** in practice.

Common challenges are highlighted as requiring specific attention. **Good practices and lessons learnt** in the domestic implementation of the IDP response are also emphasised, as well as the **implications in the long terms of certain important choices States have made**, in the hope that they will serve to inspire governments in other countries to explore innovative measures for facilitating implementation of the IDP response. Finally, the study also considers **key implications of not having an IDP-specific instrument in place**.



UNHCR's work in Mindanao is framed by the UN Guiding Principles on Internal Displacement that includes principles of human rights law, international humanitarian law and refugee law. UNHCR also approaches its work from an age, gender, and diversity-focused angle. © UNHCR/Althea Gonzales.

Methodology

Part 2 of this Global Report examines the implementation of national IDP responses in contexts where internal displacement due to armed conflict or similar forms of organised violence takes place at scale. It primarily focuses on one driver of internal displacement in order to facilitate comparative analysis of IDP responses in (broadly) similar contexts of conflict and violence. National IDP responses tend to be most highly developed in contexts of conflict and violence, as compared to those in contexts of disasters or development projects. Of course, this is not to negate the importance of better understanding internal displacement driven by disasters and other factors, nor is it to deny their potential to intersect with displacement dynamics and IDP response in situations of conflict and violence. Even if internal displacement dynamics and responses may differ somewhat between these various contexts, some of the analysis on IDP response in this report may prove pertinent to contexts where displacement is driven by other factors. The related issue of the outcomes of implementation for IDPs lies largely beyond the scope of this study and as such, it is addressed only tangentially.

In examining national IDP responses, this report draws on evidence from 15 countries: **Afghanistan, Azerbaijan, Central African Republic (CAR), Colombia, Democratic Republic of Congo (DRC), Ethiopia, Georgia, Honduras, Iraq, Mexico, Niger, Nigeria, Somalia, Ukraine** and **Yemen**. Each country is home to significant populations of persons internally displaced by conflicts or violence whose displacement situation remains unresolved. The 15 countries selected are not the only ones that fit this profile but their selection captures several other cross-cutting variables. As such, the selection seeks to include:

1. Countries with different levels of development and institutional capacity;
2. Countries from different regions of the globe;
3. Countries with different kinds of conflict and other forms of violence;
4. Countries with general IDP frameworks at the national level, countries where such frameworks exist only at the sub-national level, those without such frameworks;

5. Countries where these frameworks take the form of law, and those where they take the form of policy;
6. Countries where the reception of IDPs includes designated camps or sites (and collective centres) and those where it does not.

Legal and policy sources were sourced principally from the UNHCR IDP Law and Policy Dashboard. Additional legal and policy sources were sourced through UNHCR and other stakeholder offices in the countries. Given the relatively scarce published data, additional information was sought through a consultation process with knowledgeable counterparts in each of these countries between July and September 2023. The consultation involved one remote (confidential) interview per country led by the report authors, followed by sharing documentation from that country as relevant. Information on any particular country for which published sources are not cited should be assumed to come from this process.

In addition, the study was also informed by the experiences shared directly by government officials during the Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement that was organised on 6-9 June 2023 in Sanremo (Italy) by UNHCR, the Special Rapporteur the Human Rights of Internally Displaced Persons and the International Institute of Humanitarian Law, in collaboration with the IDP Protection Expert Group (IPEG).

The study is structured thematically rather than as a series of country-by-country descriptive case studies, to facilitate analysis of common cross-cutting issues to be brought to the fore.

All 15 of the countries reviewed for this study have domestic laws and/or policies on internal displacement linked to conflict and violence. Their approach and scope, though, are extremely variable. In general, they regulate one or both of the following: **standards framing the IDP response**, and **institutional arrangements for implementing that response**.

The IDP response in the 15 countries has not always remained static through time. In several countries, national IDP frameworks were adopted within the last five years (e.g. CAR, Honduras, Niger, Nigeria) while, in others, the IDP framework has been updated. In Georgia, for example, a previous 1996 IDP law was repealed in 2014 and replaced by a new IDP law. In Colombia, the longstanding IDP law framework was effectively subsumed within a wider victims' law framework in 2011. In several countries where a national IDP framework is lacking (or has been), considerable dynamism in developing an IDP response exists at the sub-national level (e.g. Nigeria, Ethiopia, Mexico). In this respect, and particularly with regard to federal states, the study also takes into account federative entities (but also other sub-national authorities in some cases) as governments that have developed separate IDP responses from those in the territorial federal state. In Afghanistan, the study speaks to how the IDP response has been implemented both before and after the Taliban returned to power at the national level in 2021.

More specifically, the study engages with the following intertwined questions, around three main areas of the IDP response:

- **“Personal” scope:** How do countries define the scope of internal displacement as the problem to be addressed by implementation of the IDP response? What approaches can be identified and what are their main implications?
- **“Material” scope:** How do countries frame the standards governing implementation of the State response to internal displacement linked to conflict and similar forms of violence in relation to prevention, protection and assistance, and durable solutions?

- **Governance structures:** What institutional arrangements have countries established to implement the State response to this kind of internal displacement? How have they operationalised the whole-of-government approach throughout different phases of their IDP response?

Finally, the report focuses principally on discerning the role of domestic IDP-specific instruments in shaping the IDP response and its institutional application (*please note that the terms “instruments” and “frameworks” are used interchangeably in this study; they include primarily laws and policies but could also take different forms*). Additional domestic instruments containing substantive provisions specific to IDPs have also been included where they shape the IDP response. But **it is important to emphasise that the wider gamut of laws and policies applicable not specifically to IDPs but to citizens and residents generally may also indirectly shape IDP response in important ways**. However, their elucidation would require fine-grained case studies of each country that lie beyond the scope of this broad comparative report. In tandem, it must be emphasised that the report is concerned with the IDP response implemented by State structures (and primarily those at the national level). International entities and, in some cases, civil society play a very important role in responding to the challenges of internal displacement in many of these countries. Indeed, in several of the countries sampled, the IDP response is primarily led by such entities. However, such activities are addressed only tangentially here to the extent that their activities impact on the State's creation and implementation of a domestic response to internal displacement.

2. PERSONAL SCOPE

All 15 of the countries reviewed for this study have a framework on internal displacement linked to conflict and violence at national or sub-national level. Their approach and scope, though, are extremely variable. Most have a core IDP-specific instrument at the national level. But, in a few countries, where no core national IDP-specific instrument yet exists (CAR, DRC, Ethiopia, Mexico),⁵⁸ other approaches have emerged - with governments in CAR and DRC adopting IDP solutions strategies,⁵⁹ and certain sub-national authorities taking the lead in the IDP response in Mexico and Ethiopia. In general, existing IDP frameworks regulate one or both of the following: *standards* framing the IDP response, which are addressed in section 2 and 3; and *institutional arrangements* for implementing that response, which are addressed in section 4.

The present section opens the analysis of law and policy standards by examining how domestic instruments in these countries frame their **personal scope of application** (i.e. who is defined as an IDP, and who is no longer considered included in this category). This is an important first step in the analysis because, as this section proceeds to demonstrate, how these instruments define their personal scope of application to IDPs shapes the resulting domestic response to internal displacement in crucial ways.

Defining internally displaced persons

According to the Introduction to the Guiding Principles, IDPs are described as “persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border.” This concept has been codified in the Great Lakes Protocol (Article 1(4)) and the Kampala Convention (Article 1 (k)).

All countries in the sample that have an IDP instrument in place have defined the IDP category within it. Even among the three countries with national instruments on durable solutions only, it remains undefined only in CAR. All of the frameworks that define the IDP category, whatever the specific terms used, are consistent in defining it by reference to the two essential underlying concepts of internal displacement, i.e. (i) that the movement is coercive or otherwise involuntary, and (ii) that takes place within that country. However, there is some variation in the precise scope of the category as it is framed by these domestic instruments.

It is important to note that bringing clarity on key concepts and standards is in itself a key added value of IDP law- and policy-making processes, as is finding agreement among relevant stakeholders in a country on key questions such as “who is an IDP?”. Indeed, this is one of the essential issues at the centre of the political negotiations that accompany the development of any IDP-specific framework, and the final decision a State makes is always the fruit of different political and economic considerations. IDP-inclusive instruments also play an important role in support of the IDP response in many of the countries sampled, but they rarely offer new IDP definitions.

A few national IDP laws and policies (e.g. Niger, Nigeria, Yemen) exactly mirror the ‘international’ descriptive definition of IDPs advanced by the Guiding Principles and reproduced in the 2006 *International Conference of the Great Lakes Region (ICGLR) Protocol on the Protection and Assistance to Internally Displaced Persons*, and 2009 Kampala Convention. But many countries in the sample have changed the situational elements of this definition to contextualise it in relation to the situations of internal displacement in each particular country.

Some examples of contextualisation

In relation to causes of displacement:

Azerbaijan adds situations of external ‘military aggression’ and occupation or bombardment of territories.⁶⁰ In a similar context, Ukraine adds ‘temporary occupation and armed aggression of the Russian Federation against Ukraine’⁶¹ and Georgia also adds ‘aggression’ and ‘occupation... by a foreign country’ to the list of situations.⁶² Sub-national IDP laws in Mexico and the Honduran IDP law define ‘generalised violence’ in light of local realities,⁶³ while the IDP policy in Somalia prefixes ‘clan-based or other forms of’ to the ‘generalised violence’ element.⁶⁴

In relation to categories of persons that may qualify as IDPs:

In line with the IDP definition of the Guiding Principles, which does not refer explicitly to the notion of citizenship though some degree of permanency in the country concerned is required, Ukraine applies the IDP category not only to citizens of Ukraine, but also ‘foreigners and stateless persons permanently residing in the territory of Ukraine on legal grounds’.⁶⁵

Afghanistan, Somalia and Honduras⁶⁶ also treat as IDPs (or as equivalent to IDPs) those citizens who have returned from outside the country, including as refugees, but who are unable to return to their place of origin or find another durable solution through social and economic integration in another part of the country. Noticeably, Honduras also covers ‘people at risk of displacement’ under the scope of its IDP law.

Several of the States adopting IDP laws try to articulate more precisely the relationship between the context of violence and its impact on the person that seeks refuge elsewhere, i.e. what it means to be ‘forced’ into displacement by the situation of violence. In Colombia, the connection between the situation and fleeing as IDPs is mediated by a legal test that their ‘life, physical integrity, security or personal freedom has been violated or is directly threatened’.⁶⁷ This formulation is replicated by the IDP definition in Honduras.⁶⁸ Similarly, Georgia mediates this relationship through a test that the situation must have ‘posed a threat to his or a family member’s life, health or freedom and/or, owing to those reasons, he cannot return’.⁶⁹ This likely results from a perceived need to regulate access to benefits for IDPs more carefully. By contrast, countries that have adopted IDP policies (rather than laws) tend to use them to address the more practical aspects of who counts as an IDP. For instance, several

of them clarify the point that **whether an IDP lives in an IDP site/camp or not** (i.e. in urban areas or with host families) **has no bearing on whether they are an IDP.**⁷⁰

While it is understandable that laws and policies on internal displacement in different countries adopt different IDP definitions to better address their own local circumstances, it is imperative that efforts to clarify the scope of the IDP category do not end up muddying the water. For example, **concerns arise where different authorities within a country produce IDP frameworks that define their personal scope in an inconsistent way**, and they are not aligned with each other or with international standards.

In **Mexico**, in the absence of an IDP law at the national level (a draft national IDP law has been pending Senate's approval since 2019), various State Governments have taken the positive initiative to create their own sub-national IDP laws, while in other States no IDP frameworks exist. These laws define the IDP concept in varied ways. Although all broadly follow the international definition, they do differ: Sinaloa refers only to 'situations of violence' as a driver;⁷¹ Guerrero defines 'generalized violence' in terms of discrimination;⁷² and Chiapas and Zacatecas limit it to people who are 'settled' in their State and have not 'crossed [its] territorial borders'.⁷³

In this context, while the adoption of a national IDP law remains necessary, the Interior Ministry has supported dialogue among federated entities and produced a series of guidance documents to identify minimum essential elements of different aspects of an IDP response, in order to promote harmonisation among state-level efforts.⁷⁴

Finally, it is interesting to note that even in countries like Colombia and Georgia, where IDP instruments were developed in the 1990s to respond to conflict-induced displacement and therefore their personal scope was limited to addressing that cause of displacement, in recent years there has been an increasing recognition of the need to expand the IDP response to also assist people internally displaced in the context of disasters and climate change (see the focus by the Government of Georgia on "eco-migrants", or the decision of the Colombian Constitutional Court T-123 of 2024 on this matter, ordering the adoption of a law on disaster-induced displacement).

Using IDP definitions to target attention to IDPs

All of the countries in the sample that have adopted an IDP law or policy have defined the IDP category within it, as illustrated by the previous section. The scope of these definitions is central to framing the domestic IDP response in that it identifies the primary population targeted by this response. But there are various ways in which domestic law and policy can use the particular IDP definition adopted in that country to regulate access to the material components of that response (see next chapter).

These different approaches have equally important implications for how the domestic response to internal displacement is implemented in practice. This section briefly assesses these different approaches and their implications for implementation.

A purely needs-based approach to addressing the impacts of armed conflict and violence on a population emphasizes that criterion as the basis for the response, rather than the condition of displacement in which some members of that population may find themselves. On this approach, the IDP category and any definition adopted by national frameworks serves only as a factual descriptor. Nonetheless, as was highlighted most recently in the Independent Review of the Humanitarian Response to Internal Displacement: ***"Displacement results in compound vulnerabilities. This is one of its defining aspects."***⁷⁵ As such, the *"reason for paying attention to internal displacement is not to argue that IDPs should automatically receive assistance just because they are displaced, but to ensure that IDPs' specific needs and risks are assessed and addressed as soon as possible."*⁷⁶

Indeed, most countries in the sample recognise that the compound displacement-related vulnerabilities of IDPs justify IDP-specific frameworks and interventions.

As Kälin observes: *“The issue is not one of privileging IDPs over other victims of human rights violations. It is simply taking the key human rights principles of equality and non-discrimination seriously. These principles not only require treating persons equally (equal treatment precept), but also treating them differently when their situation is markedly different (differentiation precept). (...) This, however, does not mean that the specific needs of IDPs can ever justify refusing protection and assistance to non-displaced people with equal or more serious needs.”*⁷⁷ Thus, in line with international and regional standards, **IDPs are citizens or habitual residents of their country who have specific displacement-related needs; their situation, therefore, requires specific responses to ensure they can enjoy the same rights as anyone else.**

In this regard, **one important approach to targeting IDPs for special attention involves treating the IDP definition as a description of policy beneficiaries** (but not as a category with access to defined entitlements).⁷⁸ This approach is adopted in the domestic IDP-specific frameworks in a number of countries in the sample (e.g. Afghanistan, DRC, CAR, Iraq, Nigeria, Somalia - nationally and sub-nationally, and Yemen). There is reference to the rights of IDPs, but these are usually seen as deriving from existing wider legal standards under constitutional, domestic law and applicable international law, rather than from the creation of any new legal rights or entitlements. The IDP instruments in countries adopting this approach tend to take a non-legal form, usually policies, but they can also be strategies and plans.⁷⁹ This approach frames IDPs as citizens and residents whose enjoyment of existing rights need to be restored, rather than a distinct category of rights-holders.

Another approach is to **provide internally displaced persons who fulfil certain eligibility requirements with specific benefits and entitlements under domestic frameworks as IDPs.** Among the countries sampled here, this approach is most evident in the domestic frameworks adopted by Azerbaijan, Colombia, Georgia, Honduras and Ukraine (and sub-nationally in Mexico). This suggests that the approach tends to be taken mostly by middle-income

countries with comparatively strong institutions and sophisticated bureaucratic systems in which access to any State benefits and assistance is more highly regulated by law. Moreover, although the **Guiding Principles do not create a specific legal status for IDPs - as IDPs remain citizens or habitual residents of their country and are entitled to protection and assistance on that basis alone,**⁸⁰ some countries in the sample – such as Azerbaijan and Georgia, which developed their first laws on internal displacement in the 1990s, took inspiration from refugee law and as a result created a legal status for IDPs with specific rights and entitlements.⁸¹

Ultimately, the approach taken by any particular country to targeting those whom it defines as IDPs for attention is likely to reflect several different kinds of considerations. For instance, **the way in which social attention and State intervention is already administratively structured for other groups with specific needs is likely to be an important point of reference** when deciding how IDPs’ needs should be addressed. This speaks also to the relevance of wider institutional factors in the country such as the relative capacity or sophistication of State structures, national legal traditions and wider policy approaches to these issues, as well as budgetary constraints and competing priorities for investment as against the scale and nature of the displacement situation.

At the same time, the countries in the sample show that **such approaches are not necessarily mutually exclusive.** For instance, a country that provide specific benefits or entitlements to IDPs can also use area-based approaches that benefit IDPs and others living in localities with large IDP populations. A case in point are the area-based poverty reduction interventions being planned currently in 30 urban areas of Colombia selected in part for their large IDP populations, which complement its status-based approach to IDP attention at the national level. Conversely, a needs-based approach can be integrated into a status-based approach to allow prioritisation in the allocation of scarce resources within the IDP population (see examples in the next section). Each approach has substantive and procedural implications for the way in which the IDP response is implemented in practice.



Niger: Community gardens bring together refugees, IDPs and host community (04 July 2023). © UNHCR/Antonia Vadala.

Substantive and procedural implications

Status-based approaches imply a need to develop eligibility criteria to determine a household's displacement status, as well as procedures for status determination and cessation - particularly where a legal status is created. These are usually specified by the IDP laws or their related implementing regulations/decrees.⁸² However, it should be noted that the existence of a distinct legal status for IDPs can be *“highly problematic as it links their treatment to the outcome of status determination rather than their needs”*.⁸³ Moreover, **a State creating a new legal ‘IDP status’ will need to address important questions that cannot easily be resolved by recourse to international frameworks on IDPs.** Such questions include: Should such status be transmissible to children born in displacement? For how many generations? What exclusion criteria should there be?⁸⁴ To what extent are *sui generis* inclusion criteria acceptable?⁸⁵ These are not easy questions to answer; some of these issues have a procedural aspect, but they all impact the scope of the IDP response.

Should the ‘IDP status’ be transmitted to children born in displacement?

In **Georgia**, given its strong political and symbolic value, the ‘internally displaced person status’ can be transmitted from a parent to their children indefinitely.⁸⁶ Over time, this has resulted in a continuing increase in the number of IDPs even in the absence of new displacement. This has had important financial implications for the State, considering that IDPs are entitled by law to various benefits including: a monthly IDP allowance, social and other assistance in accordance with the procedure and terms established by the legislation of Georgia, as well as (different forms of) long-term housing support.

The approach taken by the International Recommendations on IDP Statistics on this issue is that IDP children born after the displacement occurred should not, strictly, be counted in IDP statistics as they did not experience the displacement themselves. However, as many children of IDPs are impacted by or exposed to protection needs and vulnerabilities directly related to their family's displacement, they should be observed and counted as a separate but related statistical category (that of ‘IDP-related’ populations).⁸⁷

Provisions regarding the cessation of the ‘IDP status’ also vary, but generally refer to situations where the person dies or is declared by a court missing or dead, or the person moves abroad.⁸⁸ Other legal definition issues arise but are less extensively addressed. For example, can the ‘IDP status’ be withdrawn on request from the IDP?⁸⁹ And what is the link between cessation of status and durable solutions? In Azerbaijan, the person's displacement status also ceases on return to the previous residence or access to another appropriate living space.⁹⁰ In Georgia, because the reason for displacement has been eliminated. However, none of these amount to a full understanding of durable solutions, which is a much more complex process.

A different status-based approach: IDPs as victims

In two countries in the sample, Colombia and Mexico, the current national-level IDP response has been subsumed under a victims' rights framework. This is effectively a status-based approach, since 'victim' is treated as a status entailing particular rights and benefits. The laws in both countries define victims by reference to damages suffered as a result of certain unlawful acts (which, in Colombia, have to take place in the context of the armed conflict but, in Mexico, do not).⁹¹ Colombia defines a sub-category of 'victims of forced displacement' that essentially replicates the IDP definition.⁹² In Mexico, the law recognises 'persons in a situation of internal displacement' as especially vulnerable victims, but does not further define the former concept.⁹³ However, the national state entity charged with assisting victims has produced a protocol that refers to the international definition of IDPs in this context.⁹⁴ Some federal States have included an amended version of this definition in their sub-national laws that implement the general 2013 Victims Law.⁹⁵

Given the differences in displacement contexts, the path followed by the two countries and the level of implementation of the two systems differ. Mexico modified its 2013 Victims' Law to include IDPs in 2017; however,

also in light of the limited IDPs' access to registration and assistance through that system, the government has been considering complementing it with a national IDP law. Conversely, Colombia first developed an IDP law in 1997 creating an IDP response system that was then subsumed under the system created by the Victims' Law in 2011, which expanded the existing measures to also include reparation measures. IDPs remain permanently on the Victims' Registry for reparation and historical memory purposes, according to the Colombian approach whereby a victim always remains a victim. Although IDPs never have their 'victim' status ceased as such, the Government has continued to assess their progress towards solutions in relation to their effective enjoyment of rights (see next chapter).

Inspired by Colombia, Ukraine is also embarking on the process of developing a victims' law. The victims' approach has the potential to ensure that IDPs and others who have suffered in comparable ways are both attended and properly integrated within a wider government response to the impacts of the conflict or violence. However, the specific needs arising from internal displacement must not be lost in this broader victim-focused response, and IDPs should not have to prove additional crimes or losses in order to be eligible for inclusion.



Colombia: Archives of the Victims' Unit. © UNHCR.

On any approach, one of the most important decisions for policy-makers in all countries is the differentiation of eligibility and benefits among people. There is no single best way of targeting in all circumstances, as no one size fits all and the task of targeting individuals or groups is laden with both conceptual and practical challenges – and IDPs are no exception.⁹⁶ In light of the duration of many displacement situations and

resource constraints faced by States, even countries that have adopted an ‘IDP status’ or provide certain entitlements to all registered IDP population see as appropriate **some level of policy or practical prioritisation in the provision of IDP-specific assistance based on a nuanced analysis of specific IDP needs and vulnerabilities – which is likely to be not only useful, but necessary.**

Some examples:

Integrating status-based and needs-based approaches

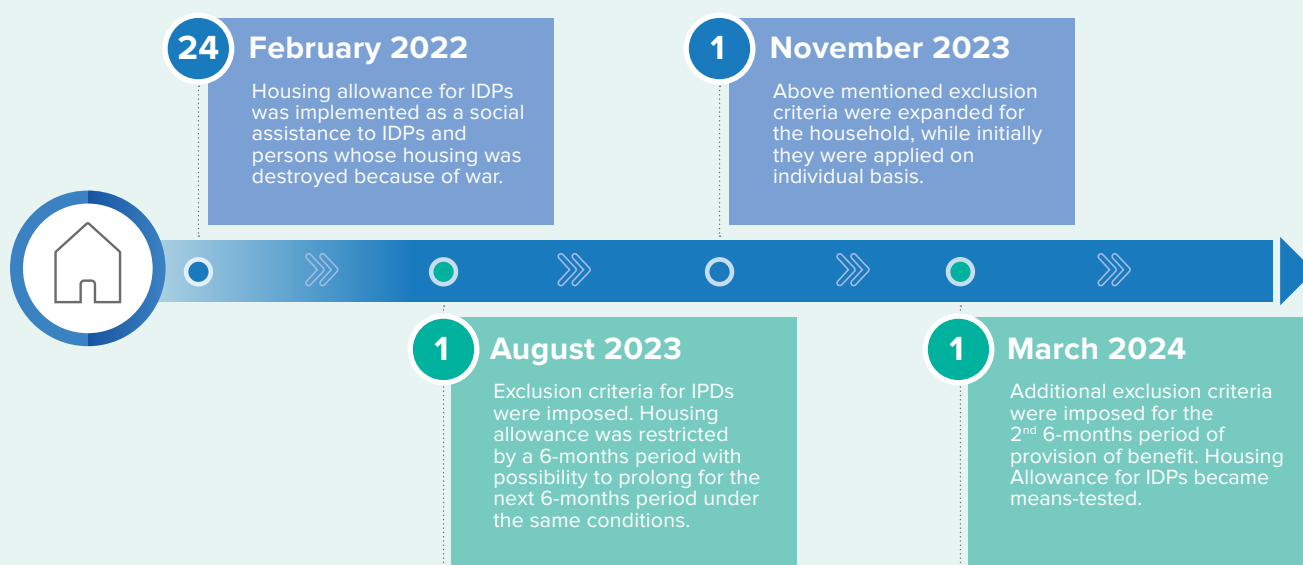
In **Georgia**, for example, where housing and livelihoods are among the main concerns for IDPs (who comprise an estimated 10% of the population), the government has taken gradual steps to shift towards a needs-based response since 2014. Policy makers in Georgia had been debating for years the sustainability of status-based IDP assistance and what efforts could be made to tailor this assistance in favour of the most vulnerable. This was based on the understanding that continuing to provide a fixed benefit to the IDP population posed a significant fiscal burden on the country, and that there was a need to use existing resources for those most in need. Given the protracted nature of displacement in Georgia, it was also considered that IDP assistance policies should change to reflect the evolving vulnerabilities and welfare needs of IDPs.⁹⁷

As a result, among other measures,⁹⁸ the government has introduced vulnerability criteria to the review of IDP housing applications to prioritise the most vulnerable families, using a points system that was developed based on wide consultation with all relevant stakeholders, including IDPs. In parallel, recognising the diversity of housing situations and needs, the government has also introduced a ‘menu of options’ of different kinds of housing support for IDPs. These include: the construction and renovation of large-scale IDP housing; the ‘house in the village’ project; the purchase of new apartments; the veteran IDP resettlement programme; legalisation of the existing accommodation; and the provision of temporary housing or covering of rental costs (and a mortgage loan repayment scheme – now closed). A menu of diverse options for support with livelihood opportunities has also been created, depending on the particular situation of the IDPs.⁹⁹

A similar approach was also followed in Ukraine. Already prior to the escalation of the armed conflict in 2022, the national authorities adapted existing housing schemes to meet IDPs’ specific needs. At the sub-national level, cities such as Mariupol developed specialised housing programmes tailored to the changing needs over time of IDPs in the particular location, as identified by regular housing surveys.¹⁰⁰ In 2023, following the new waves of displacement, Ukraine took further steps in a series of new decrees prioritising certain kinds of assistance within the IDP category based primarily (but not exclusively) on additional criteria of vulnerability.¹⁰¹

Such measures have been introduced in regard to access to the housing allowance (see image above), but also to the subsistence allowance for IDPs. Criteria have been established to regulate the continuance of such support to IDPs with certain vulnerable profiles and cancelling these forms of support where IDPs appear to have some level of financial resources (evidenced by purchasing a new vehicle or land or possessing certain funds or assets) or have voluntarily returned to their homes or gone overseas. In a similar way, in administering its property compensation scheme, the Ukraine government also prioritised its financial resources starting with citizens (including IDPs) whose housing had been completely destroyed, and then moving on to those whose housing had been damaged, and then other claims.¹⁰²

Timeline of the principal amendments in the provision of Housing Allowance for IDPs



Source: DRC Ukraine, Legal Alert Special on IDPs, Issue 101 (April 2024).

One obvious implication of providing IDPs who fulfil certain eligibility requirements with specific benefits and entitlements as IDPs is that **governments need a mechanism to identify the individuals eligible for such benefits**. In countries sampled adopting this approach, this was done through **IDP registration systems** - but there may also be other ways to identify IDPs through existing national databases. In order to fulfil these functions, IDP registers collect a significant amount of data on IDPs as determined by the legislation.¹⁰³ This can include demographic information, information about causes of displacement as well as IDPs' specific needs and vulnerabilities.

National IDP registers usually aim to cover the whole IDP population within a given territory according to the parameters of the national legislation. Experience in countries sampled (and beyond)¹⁰⁴ reveals some **common challenges** that arise during implementation, and that should be considered from the start. Issues tend to concern:

- the **human and financial resources needed** to sustain the IDP registration system, including maintaining an updated database, conducting verification processes, especially for large-scale and fluid displacement situations;¹⁰⁵
- the **identification of IDPs**, for example where narrow identification criteria/questions are used e.g. limiting recognized causes of displacement, or the locations of where displaced persons should come from;
- potential **over-coverage** of individuals who may not be eligible but register to access IDP benefits or similar reasons;
- potential **under-coverage** of individuals who would be eligible but are not registered because they:
 - choose not to register, including because of the risk of discrimination and stigmatisation, lack of trust in the authorities, or simply do not want to be identified as an IDP; or
 - cannot register, including because of **lack of access, arbitrary exclusion** of certain groups, or administrative hurdles (e.g. where registration criteria are unevenly applied, such as where different documents are required by different authorities in different places), with related adverse protection implications.
- Inability of competent authorities to meet the **expectations** of receiving assistance and protection raised through registration;
- Deregistration is rarely implemented in practice.

Country examples:

Updating IDP registers

One response to this challenge among the countries sampled was to carry out re-registration exercises. In **Georgia**, for example, such exercises occurred annually from the initial displacement wave in 1993 until 2004. Since 2004, when the displacement situation became more static, the IDP focal point institution carried out two countrywide, comprehensive re-registrations, in 2007 and 2013, with the objective verifying existing data but also obtaining updated information about the IDP population, including their profiles and family details. This was carried out through 12 commissions established throughout the country under the oversight of a centralised special group coordinated by UNHCR and including civil society, other international entities and certain State institutions. Other countries (e.g. Azerbaijan) have integrated the IDP register into the wider national registration system for citizens, such that both can be updated simultaneously and without the duplication of resources needed for separate databases.

The magnitude and fluidity of many displacement situations may represent an important challenge for registration systems, as a situation evolves very quickly or it simply becomes extremely large, also affecting institutional capacity. For example, the Ukrainian IDP registration system was put under significant strain following the large-scale invasion in February 2022. For approximately three weeks no IDP registration took place, including because the social services providers responsible for registering IDPs were themselves fleeing. To overcome this challenge, some legislative changes were introduced expanding the list of authorities that could register IDPs, acting as ‘front desks’ and able to collect the necessary information and documentation.

In countries adopting a status-based approach, IDP laws prescribe when and before which national authorities the claim to be an IDP must be made; they regulate the procedure through which decisions on registration, as well as exclusion and cessation are reached, including eligibility criteria, relevant timescales, as well as the evidence that should be taken into account.¹⁰⁶ IDP registration is usually on an individual or family basis but, in some countries, specific procedures are laid down for registration in the context of mass displacements.¹⁰⁷ It should be noted that even in countries that do not explicitly refer to the creation of a legal ‘IDP status’, the implementation of a national IDP registration system as a means to assess eligibility can obviously have similar implications.

Across all these countries, provisions on de-registration tend to be rather vague or absent.

Nonetheless, it should be noted that even countries which do not provide internally displaced persons with specific benefits and entitlements under domestic legal frameworks as IDPs may still carry out IDP registration to identify IDPs in certain contexts where access to assistance or services is provided on an IDP-specific basis. For instance, both the IDP law in Niger and the IDP policy in Yemen affirm a right to be registered as an IDP; although the Yemen policy states that such registration does not confer any legal status or access to specific assistance, which is on the basis of need within the IDP population,¹⁰⁸ this suggests that registration as an IDP may remain a gateway to be considered for assistance, which can have significant consequences for protection and solutions in practice. However, countries following this approach also tend to speak more broadly about engagement with not only IDPs, but also other displacement-affected communities such as hosts.¹⁰⁹ They tend to present a stronger **focus on community-based and area-based approaches**, broadly more aligned with national and local development priorities. These approaches are also relevant from a social cohesion perspective, especially in contexts where IDPs and non-displaced live in similar conditions.



Yemen: Legal Session conducted by UNHCR and INTERSOS in Taizz governorate for the IDPs living in Al-Nasser IDP site to raise their knowledge on how to claim their legal rights (08 March 2023). © UNHCR/NMO.

Improving access to civil documentation in Yemen

In order to improve access to civil documentation for IDPs and IDP returnees (as well as asylum-seekers and refugees) in areas controlled by the *de facto* authorities in **Yemen**, in 2022 the Civil Registry and Civil Status Authority (CRA) developed with UNHCR a joint action plan. As part of its implementation, the plan focused on providing equipment and support to enhance CRA's capacity in three governorates that were selected based on: the density of the IDP and IDP returnee populations, civil status documentation gaps, CRA's operational capacity, identified needs and priorities, as well as available resources. Although some of the activities specifically focused on internal displacement (e.g. mapping of obstacles to the provision of civil documentation for IDPs and IDP returnees, and piloting of measures to remove those), others also benefitted non-displaced populations (e.g. joint awareness raising of the importance and requirements for civil status documentation; measures to improve the operational capacity of CRA in selected governorates, and to ensure sufficient supply and dissemination of national IDP materials countrywide).

Learning from experience: key takeaways

In most of the 15 countries, the IDP response includes interventions that are specific to IDPs. As such, **the core national framework usually takes the form of a single instrument**, which is often supplemented by other instruments further detailing the implementation of those standards. **This core framework need not take the form of a law;**¹¹⁰ **a policy may suffice** if all that is needed is to spell out how existing domestic legal and/or constitutional rights for citizens apply in relation to internal displacement and no new rights for IDPs are envisaged. **However, in some countries, a law may be required**, e.g. where a legal status-based approach to IDPs is adopted, or where the activities involved in IDP response require specific legal authority (budget allocations, attributing new institutional responsibilities, etc.).

At a minimum, national IDP instruments should address current displacement issues and be flexible enough to handle changes in the situation to the extent possible. It is also crucial that they lay a solid foundation for the complex process ahead of achieving sustainable solutions.¹¹¹ The Guiding Principles still represent a fundamental starting point for identifying needs and creating such responses. Frequently, whether the IDP instrument takes the form of a law or policy, this framework is supplemented over time by subsequent legal instruments, policies, plans and strategies that implement or develop aspects of the domestic response to IDPs.¹¹² IDP instruments that take the form of law often also have particular provisions amended or nullified by later laws or by the courts (e.g. Azerbaijan, Colombia, Georgia, Ukraine). This makes sense because displacement situations and the impediments to accessing rights that IDPs encounter change over time; laws tend to be not very flexible and therefore require regular revision.

Interestingly, the reparations regime for IDPs and other victims created by the 2011 Victims' Law in Colombia is time-limited rather than being open-ended and the law was originally intended to be in effect for ten years only.

Country examples

For example, **Colombia** regularly reviews its national IDP response and set out new policy directions through the adoption of 'CONPES' documents by its National Council for Economic and Social Policy - the country's highest public policy planning authority. This review also relates to the monitoring role played by the Constitutional Court in follow up to its ruling T-025 of 2004, and that of civil society (for example through the public policy monitoring commission). **Ukraine** likewise produces new national strategies for the IDP response, usually every three years, through the cabinet of ministers. Although Georgia's national IDP strategy dates to 2007, it is implemented through new national action plans that are usually released every two years. These are all middle-income countries with relatively well-developed wider national State bureaucracies.

The fact that it was subsequently extended in 2021 for another ten years (to 2031) reflects the slow work of reparations for a large universe of victims, as well as the continuance of displacement caused by armed conflict in parts of the country. This also raises a question about whether IDP laws could be adopted as time-limited, at least in relation to conflict situations. This could potentially be an option for those States that are hesitant to adopt an IDP law for fear of 'institutionalising the problem'.

Limiting the scope of a national instrument is possible and, in light of the particularities of the displacement situation, may be appropriate. In many of the countries sampled, the IDP definition of the Guiding Principles has been tailored to local circumstances by the IDP framework at the national and/or sub-national level. This can be a useful or necessary step for clarifying and targeting the scope of the IDP response in that country. At the same time, States should be aware of the possible consequences of doing that. It is clear that they are not entirely free in the scope of their responses; in particular, such choices must not

have the effect of excluding or discriminating against displaced persons who are in a similar situation to IDPs as defined by the framework.

In any country, the domestic approach taken to targeting attention towards IDPs will need to reflect local context.

There is no one-size-fits-all approach. Relevant factors include the scale and nature of the displacement situation and which approaches work in that context, but also the country's legal traditions, existing policy approaches and how its institutions already administer the provision of benefits to other groups with specific needs. To the extent possible, the domestic approach to IDPs should build on existing apparatus rather than creating a new system and/or different administrative approach specific to IDPs.

The provision of **IDP-specific benefits or entitlements does not in itself preclude also taking other measures to address internal displacement**; state experience shows that **this often remains necessary**, including to ensure consideration of the needs of other displacement-affected communities and to foster social cohesion.

The **consequences of adopting approaches focused on IDP-specific entitlements are important to consider.** Government officials who participated in the Cross-Regional Forum on Implementing Laws and Policies on Internal displacement¹¹³ in June 2023 spoke of some of the advantages of such approaches, in terms of **recognition of the issue as well as some dedicated attention and resources on internal displacement**, especially at the height of the crisis.

At the same time, these approaches can have **challenging implications** for IDP protection and solutions, as well as for the IDP response in the longer term. Participants in the 2023 Cross-Regional Forum identified key drawbacks as:

- IDPs' increased dependency on targeted IDP assistance;
- **Bureaucratic delays in aid distribution** to displaced populations with urgent needs, as they await official recognition;
- **Unequal treatment and potential exclusion of certain IDP individuals or groups from the**

'IDP status' (where that exists) or IDP-specific entitlements and benefits for various reasons, including inaccessibility (for IDPs living in isolated areas), or marginalisation and trauma (which may lead certain IDPs to avoid contact with authorities or make them hesitant to provide personal information during the registration process).¹¹⁴

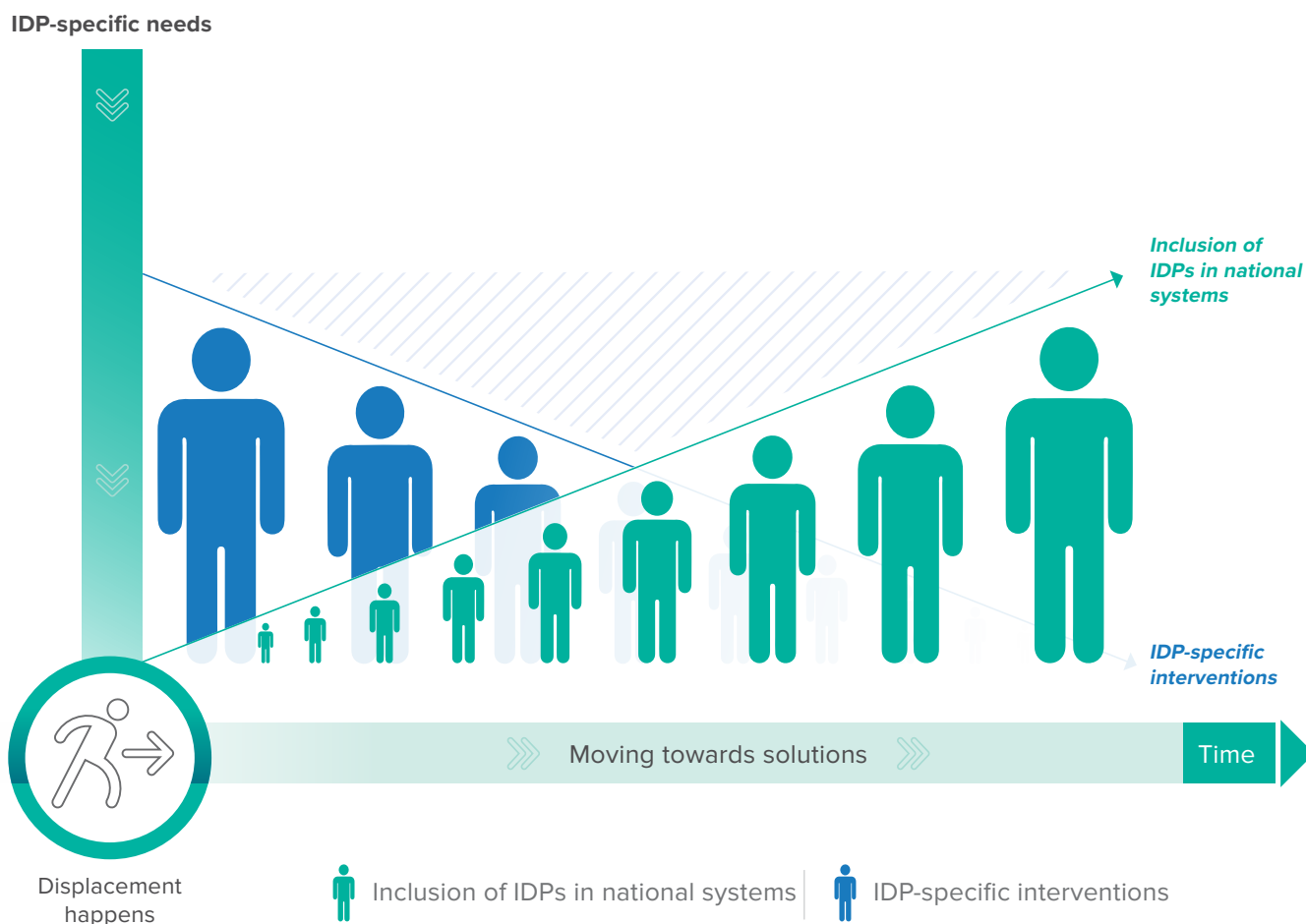
- **Challenges in transitioning from status-based to more needs-based approaches**, which was recognised by all as necessary in light of the duration of many displacement situations and resource constraints faced by States. As a result, **some level of policy or practical prioritisation in the IDP response is often seen as appropriate by governments**, including in middle-income countries.

This highlights the importance of considering these aspects from the very beginning, **avoiding to the extent possible the creation of incentives that may lead to dependency on status-based assistance, and the creation of separate systems for IDPs** that risk becoming siloed. Whenever the establishment of such systems is deemed necessary according to the displacement situation in a given context as well as countries' legal and administrative traditions, States should give **due consideration from the outset to the steps needed to facilitate the transition from an IDP-specific system to an increased inclusion of IDPs as citizens and residents into existing national systems**, where they exist.

Whatever approach is taken, the experience of the 15 countries sampled shows that **an effective IDP response will require a combination of legal, policy and operational interventions that are:**

- 'IDP-specific', i.e. **specifically targeting IDPs** to address their displacement-related needs; and
- 'IDP-inclusive', i.e. **supporting the inclusion of IDPs** as citizens and residents into national systems.

In general terms, IDP-specific interventions are usually particularly necessary when the displacement-specific needs are greater. As such needs (may) decrease over time, and IDPs make progress towards durable solutions, IDP-inclusive interventions become increasingly vital to reinforce or complement IDP-specific ones (as shown in the image to follow).



From a law and policy perspective, IDP inclusion can be achieved by appropriately integrating an IDP angle into national or sub-national instruments that make general provision for a sector (e.g. health, education, housing) or territory (e.g. an urban plan), as examples in the next chapters demonstrate.

Integrating IDP issues in area-based development plans is particularly important to support sustainable solutions in the long-term, as well as prevention of recurring causes of displacement.¹¹⁵

Participants in the Cross-Regional Forum highlighted that, although it is possible to establish rights-based approaches and strategies to restore IDPs' rights

even in the absence of an IDP-specific framework, this tends to be essential in establishing a holistic and comprehensive effort across government where this is still missing. **IDP-specific frameworks are therefore a crucial point of reference**, setting out particular needs and standards that IDP-inclusive frameworks will need to reflect or take into account, and clarifying roles and responsibilities. The character of *'lex specialis'* IDP laws have - meaning their specialised legal provisions take precedence over general laws that may not adequately cover displacement aspects in situations specifically concerning IDPs - is useful to promote a coherent approach to the issue, particularly where multiple sectoral interventions are needed. At the same time, inclusion of the IDP issue in these wider frameworks is essential for promoting a whole-of-government approach as well as supporting IDPs' sustainable economic and social reintegration into mainstream society.



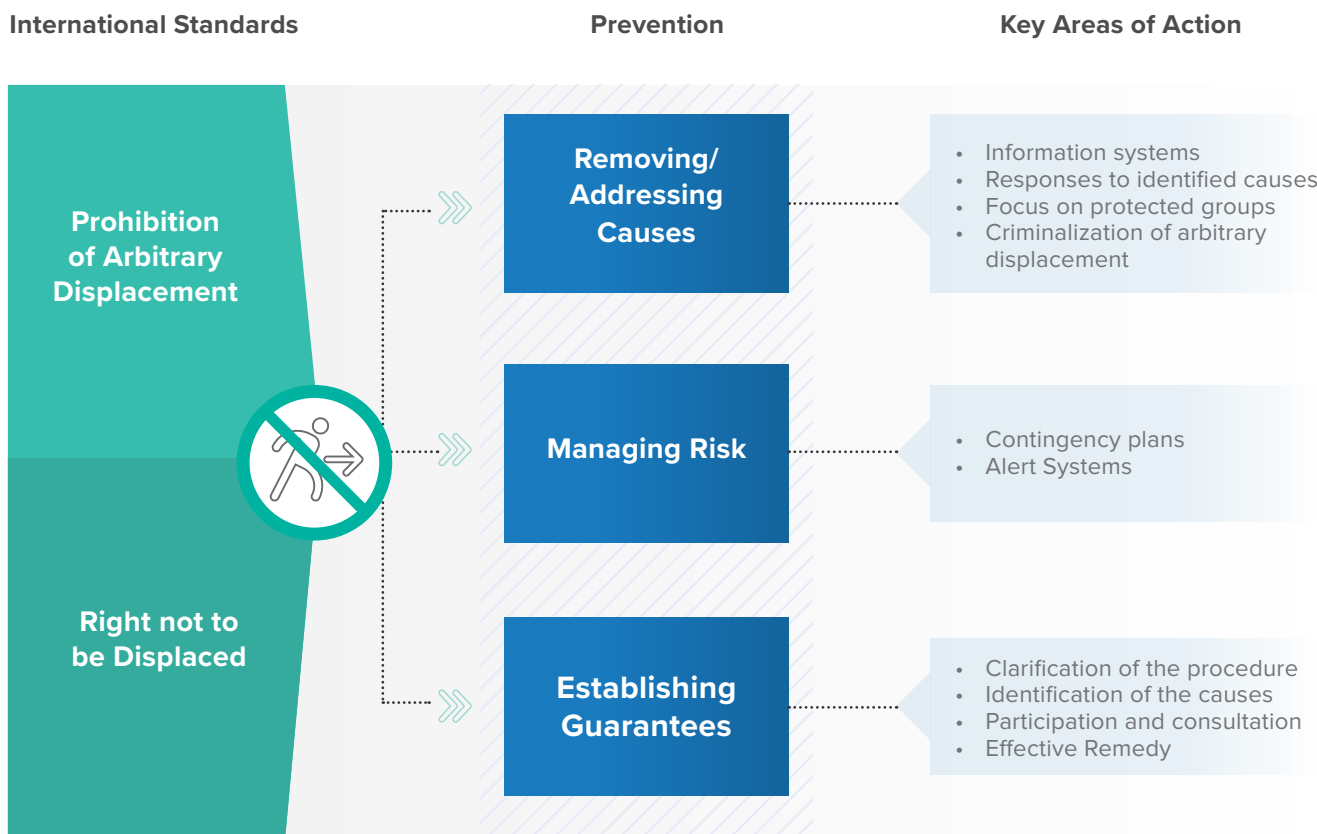
Nigeria: Boko Haram displaced grapple with aftermath of Maiduguri flooding (31 October 2024). © UNHCR/Colin Delfosse.

3. MATERIAL SCOPE

Prevention

In the context of this report, the expression “prevention of displacement” is used to cover all aspects related to protection from displacement in line with Guiding Principles on Internal Displacement (5-7), i.e. prevention of the conditions that might lead to displacement, and prevention of arbitrary displacement.

National instruments in the countries sampled not only define IDPs as subjects of the IDP response but also frame the standards for implementing different stages of that response. The prevention of displacement is expressly addressed by national frameworks in many of these countries (Azerbaijan and CAR appear to be exceptions). The picture below broadly summarises the approaches taken by such frameworks, while this section goes more into details of some of the key variations within such approaches. **Existing framing highlights the often frequent need to use complementary, non IDP-specific laws and policies to comprehensively address the prevention of displacement and address its root causes.**



In IDP-specific laws and policies, the main approach to this issue is formalistic. **They articulate a right not to be displaced** (e.g. Colombia, Nigeria) **or to be protected against being displaced** (e.g. Georgia, Iraq, Niger, Somalia, Ukraine, Yemen; Puntland, Somaliland and Mexican States at sub-national level) as a right accruing to individuals.¹¹⁶ Generally, these instruments treat this right narrowly as a rule governing when people cannot be lawfully displaced.¹¹⁷ In part, this reflects the fact that prevention is an ambiguous concept because **displacement is both a threat and a coping mechanism**.¹¹⁸ But there is variation in the way that IDP-specific instruments in different countries frame its scope and content.

- Firstly, whilst some countries treat it as protecting *against 'arbitrary' displacement* (e.g. Iraq, Niger, Nigeria; sub-nationally, Puntland, Somaliland and certain Mexican States), and thus follow the terminology of international frameworks on IDPs,¹¹⁹ others see it as protecting *against 'forced' displacement* (e.g. Colombia, Georgia, Somalia, Ukraine, Yemen).
- Secondly, there is considerable variation between countries in how they define the *range of situations to be treated as constituting unlawful displacement*.¹²⁰ This variation raises questions about the extent to which each formulation is in line with wider IHL and IHRL standards.¹²¹

In tandem, **some countries in the sample have adopted legal provisions that criminalise this act as a specific mode of prevention**.¹²² These provisions usually appear in the national criminal laws of the countries concerned, although they may have been introduced by IDP-specific instruments. On the one hand, several countries have incorporated the binding IHL rules pertinent to preventing displacement during armed conflicts not only in military codes and manuals but also in their criminal law.¹²³ Some accurately reflect the pertinent rules in IHL (as reflected also in international instruments on IDPs),¹²⁴ whilst others do so less perfectly.¹²⁵ In tandem, some of the sampled States have adopted broader penal provisions at the national (e.g. Colombia, DRC, Niger) or subnational level (e.g. Guerrero and Sinaloa in Mexico) that punish the act of forcing people to displace in general, even when this

is done outside situations of armed conflict.¹²⁶ Although the definition of this crime is not consistent across countries and, more importantly, does not always map onto the scope of the right to not be unlawfully displaced in the particular country, **the criminalisation of at least certain forms of arbitrary displacement remains important as a clear symbolic rejection of it as illegal conduct**.¹²⁷ Some IDP-specific instruments emphasise the need to prosecute acts giving rise to displacement as a preventative measure.¹²⁸ In principle, such measures may have a dissuasive effect but the sheer scale of displacement in many countries, capacity and other issues suggest their impact may be limited, particularly for protracted conflicts.¹²⁹

Alternative provisions for preventing displacement in IDP-specific instruments feature less frequently in contexts of conflict and violence, while they are more common in countries with instruments that address disaster-driven internal displacement, especially in Africa (thus reflecting the Kampala Convention).¹³⁰ Even so, **IDP-specific instruments in several countries do set out other actions that offer a complementary basis for practical prevention action**. However, some merely express broad goals, such as an injunction to 'prevent and avoid conditions that might lead to involuntary displacement'¹³¹ or to 'avoid human rights violations and eliminate the causes and circumstances that generate risk'.¹³² This approach reflects Guiding Principle 5, highlighting that **respect for human rights and humanitarian law, in all circumstances, constitutes the essence of prevention**.

It also reflects the reality that while it is crucial to acknowledge that displacement may stem from underlying structural issues, it is **important to distinguish between these root causes (drivers) and proximate causes (or triggers) of displacement**. In his book,¹³³ Kälin argues that using a displacement perspective to address root causes can be even problematic, including because it risks prioritizing one threat (displacement) over others (e.g. loss of life); as a result, he identifies the role of IDP-specific frameworks as addressing the proximate causes rather than the drivers of displacement.



Colombia: Esneda Saavedra, indigenous leader and a powerful activist for human and environmental rights, poses for a portrait at the river Maracas in the Serranía del Perijá region (24 September 2024). © UNHCR/Marina Calderon.

The experience in the sampled countries also confirms that it is **essential not to burden IDP laws and policies with the expectation of resolving all its root causes**, especially when other institutional avenues are available. Doing so could risk creating insurmountable obstacles to the effective implementation of such frameworks due to overwhelming responsibility.¹³⁴ It could also even lead to stalling the process of development and adoption of an IDP instrument, if too much emphasis were to be put on addressing root causes that are potentially very politically sensitive, such as the marginalisation of certain ethnic groups.

This suggests that complementary instruments not specifically relating to IDPs are likely to be of equal or greater importance in protecting people from displacement. Wider measures that are likely to take the form of security and socio-economic policies, even when they may not include a specific focus on the prevention of displacement, may ultimately advance this aim and benefit IDPs and those at risk of displacement. This is why it is crucial to establish coherent connections between such instruments and IDP-specific ones.

Country example

In **Niger**, during the national forum that was organised by the Government in collaboration with the UN Country Team and the Protection Cluster in February 2023 to promote the application of the national IDP law, the importance of the African Union's 'Regional Strategy for the stabilisation, recovery and resilience of the Lake Chad affected by the Boko Haram crisis' and of a national strategy to prevent radicalisation and violent extremism were discussed by participants as essential for preventing displacement.



© UNHCR Niger

It is unreasonable to expect an IDP framework to shoulder burdens beyond its primary goal of ensuring a comprehensive IDP response. Nonetheless, this does not preclude the possibility of making significant improvements in areas where displacement causes are concentrated, and their impacts are most pronounced.¹³⁵ The 2023 IDP law in Honduras, for instance, cannot single-handedly tackle the structural problems of violence and inequality, just as the 2011 Victims Law in Colombia could not resolve conflicts related to land use. Nonetheless, both instruments address challenges associated with these issues,¹³⁶ to be addressed through other important complementary strategies.¹³⁷

Some IDP instruments propose more specific strategies in the area of prevention. Commonly, this involves the establishment of monitoring and early warning systems,¹³⁸ often alongside the mobilisation of localised conflict prevention or mitigation mechanisms.¹³⁹ The Early Warning System in Colombia is one of the most prominent and well-developed of these prevention mechanisms and is closely linked to the wider system for responding to IDPs. It takes the form of an Inter-sectoral Commission consisting of key ministries and institutions such as the Ministry of Interior, Ministry of Defence, police, army, and the

Ombudsperson's office (whose role includes follow-up, despite challenges related to access and lack of capacity). The information gathered through early warning is utilised for geographical and thematic analysis, focusing on specific areas and risks faced by local communities. The Early Warning Department established by the Internationally Recognised Government in 2023 in Yemen as a part of the Executive Unit for the Management of Displacement Camps is another example, although it is focused primarily on the identification of natural hazards that might pose a risk also to camps housing IDPs.¹⁴⁰ At the sub-national level, in Mexico, the civil protection system in the Federal State of Chiapas identifies territorial conflicts between communities that are the primary reason for displacement and sets up working groups in the affected municipalities to involve IDPs, local human rights institutions and international entities in negotiating accords to resolve the conflicts, prevent displacement and facilitate IDP solutions.¹⁴¹ The dissemination of international humanitarian law or knowledge of IDP rights is also proposed by certain IDP frameworks as targeted preventative strategies.¹⁴²

Conflict prevention and early warning mechanism in Ethiopia ¹⁴³

In Ethiopia, conflict prevention and conflict management is part of the core mandate of the Ministry of Peace – which also has a very important role to play in relation to IDPs. Under its Department of Conflict Management, there are a number of structures including the Conflict Early Warning and Response Desk, the Conflict Situation Monitoring Desk, and the Conflict Research and Analysis Desk that directly engage in the execution of early warning activities for the prevention of conflict and violence-related displacement.

The Conflict Early Warning and Response Desk and the Conflict Situation Monitoring Desk get information from the situation rooms of the regional structures (zone, ward and kebele) as well as other entities such as universities, municipal administrations and community-based organisations. This information is then passed on to the national level and feeds an information exchange between authorities that goes in both directions.

The information is then analysed and used to inform rapid response intervention interventions to prevent conflict and mitigate its impact as early as possible.

Additional efforts to adapt and apply the experience of IGAD's conflict early warning and response system are also ongoing.

Key tenets of the Ethiopian system, also identified as areas to be strengthened, include:

- The creation and strengthening of connections and cooperation among the Federal institutions, regional peace and security lines, city administrations, kebele/district administrations, community-based organizations and other structures;
- The provision of capacity building and material supports to all the entities mentioned above, to enhance their capacity to implement and synergize their responses at the first indication of violent conflicts and internal displacement;
- Community mobilization and the enhancement of communities' awareness regarding their role in resolving existing problems. To this effect, efforts are made to generate inputs from and find solutions with the affected communities.



A rainwater reservoir built by an internally displaced family in Deku, Ethiopia (17 December 2022). © UNHCR/Astrid Van Genderen Stort.

Assistance and protection

In most of the 15 countries sampled, the main thrust of the IDP response is directed to the ‘stage’¹⁴⁴ of humanitarian assistance and protection of IDPs. Most IDP-specific frameworks address these aspects,¹⁴⁵ whether at the national (e.g. Azerbaijan, Colombia, Georgia, Honduras, Iraq, Niger, Nigeria, Somalia, Ukraine, Yemen) or sub-national level (e.g. some States of Mexico, Puntland and Somaliland in Somalia). These frameworks most often expressly acknowledge that **the State has a duty to ensure assistance and protection for IDPs and IDPs have a right to request and receive assistance and protection.**¹⁴⁶ From this conceptual starting point, they proceed to elaborate national standards on IDP assistance and protection - usually couched in legal terms, either as individual rights or as duties of the State.¹⁴⁷ **Most of these countries show a considerable degree of consensus on basic IDP assistance and protection standards.**

i. Standards

IDP laws and policies mostly articulate a set of IDP rights that are focused on cross-cutting aspects of access to assistance and protection. These are rights of IDPs to:

- Enjoy their wider rights under domestic law and/or constitutions as citizens and residents;
- Non-discrimination in the enjoyment of such rights, including on the basis of being an IDP;
- Special assistance for particularly vulnerable IDPs, such as certain profiles of women, children, older persons, disabled persons etc.; and, many of the instruments add,
- Participate in decisions that affect them as IDPs.

Several also affirm the right of IDPs to receive assistance from humanitarian actors. In short, this set of standards affirms the continuing applicability to IDPs of wider citizenship rights and guarantees around State assistance and protection. Their domestic legal force results, in the case of laws, from the legal character of that law and, for other IDP instruments, from the extent to which they reflect (or not) underlying legal norms in effect in the domestic sphere. They do not necessarily require tethering to a legal ‘IDP status’ to be legally effective.

IDP laws and policies in these countries also tend to articulate general standards for the assistance and protection of IDPs in relation to a number of specific sectors. For the most part, these instruments set out standards in relation to the sectors of:

- Personal safety and liberty (including freedom of movement);
- Access to an adequate standard of living;
- Access to livelihoods;
- Housing, land and property (HLP) reparations;
- Access to civil documentation;
- Family reunification; and
- Freedom of expression and participation in public affairs.

In each sector, the exact content of the national standards, and the extent to which they reflect international standards vary considerably between countries. Assistance and protection standards in certain sectors (for example, access to an adequate standard of living) are also more detailed in certain countries than in others. Effective remedies for displacement is also articulated as an assistance and protection standard in IDP frameworks in several of these countries;¹⁴⁸ and implicitly expressed in those with laws that criminalise the act of forcibly displacing people (see previous section).¹⁴⁹

Good Law and Policy Practice for Preventing Sexual Violence against IDPs

Although strictly prohibited under international law, sexual violence is often both a cause of internal displacement and a prevalent protection risks during displacement. In situations of armed conflict, sexual violence often occurs in association with other violations of International Humanitarian Law (IHL) during military operations, leading to displacement. Persons affected by sexual violence may also be compelled to flee or leave their homes due to lack of safe and accessible care, inadequate protection mechanisms, stigma and/or fear of reprisals. During flight and throughout their displacement,

IDPs are often exposed to additional vulnerability factors that exacerbate the risk of sexual violence, including lack of safe shelter, limited access to essential services, insufficient legal protection and the disruption of traditionally protective mechanisms affecting their self-protection capacity.

To support the domestic implementation of IHL rules prohibiting sexual violence, the International Committee of the Red Cross (ICRC) has developed a [checklist](#) for legal experts of states and within the International Red Cross and Red Crescent Movement. The checklist addresses the content of domestic legislation and associated procedures, underlining the relevant provisions of international humanitarian, human rights and criminal law that shall be reflected in these laws and procedures. The checklist also includes best practices and examples of protective legislation from countries across the world. A specific session of the checklist (see 5.e) is dedicated to protection of IDPs from sexual violence. The checklist can guide lawmakers in developing legislation that better addresses sexual violence in contexts where internal displacement is occurring due to an armed conflict, strengthening protection for IDPs.

ii. Differences in terminology and scope

The approach of IDP-specific instruments in these countries to assisting and protecting IDPs varies among them. Differences include:

- **how the terms 'assistance' and 'protection' are defined**, with some countries treating them separately (with 'protection' referring to the rights standards and 'assistance' referring to actions for implementing the IDP response, particularly during the emergency phase)¹⁵⁰ while others see them as intertwined.¹⁵¹
- Some countries apply assistance and protection standards generally during displacement,¹⁵² while others identify **specific standards or actions**

intended to apply in 'emergency' situations only (although when this emergency phase starts and ends, and thus when such emergency assistance is required, is not always defined).¹⁵³ In these cases, instruments tend to address a more limited range of immediate practical issues such as: evaluating needs and vulnerabilities; setting up camps or reception sites for IDPs; ensuring access for international humanitarian actors and regulating them; ensuring the safety of IDPs; providing humanitarian aid for a minimum standard of living, with special assistance for particularly vulnerable IDPs, and participation of IDPs in the design and implementation of the response.¹⁵⁴

- The **level of detail** in implementing assistance and protection standards also varies, with some countries providing detailed actions while others offer more general guidelines.¹⁵⁵
- Additionally, **the scope of assistance and protection actions varies across sectors**, such as livelihood support, with different countries employing various approaches based on their economic and labour contexts. Some national frameworks focus on actions to restore access to State livelihood support systems in the displacement location, such as pensions¹⁵⁶ or social protection programmes¹⁵⁷ or (where the State bureaucracy is a major source of employment) to transfer or reassign State jobs for civil servants who are displaced.¹⁵⁸ Others outline more proactive forms of livelihood assistance that the State must offer to IDPs, such as training,¹⁵⁹ the creation of programs for employment, income-generating activities or livelihood options,¹⁶⁰ promoting business creation by simplified business registration procedures for IDPs¹⁶¹ or offering business credit and allocating lands and tools, especially in rural areas.¹⁶²

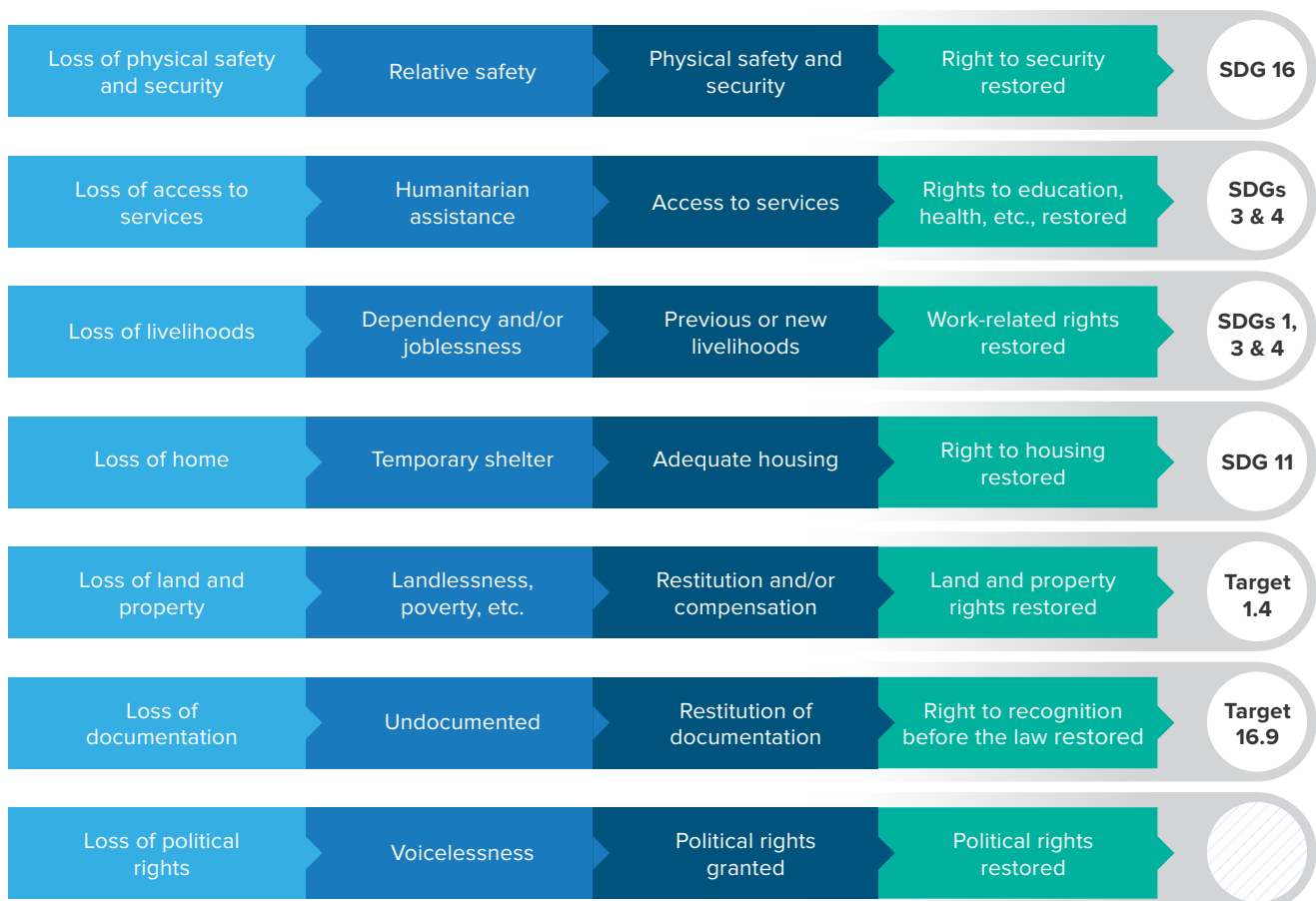
iii. Alignment between protection and solutions standards

It is notable that the rights sectors addressed in protection and assistance standards map onto the eight sectors that the 2010 IASC Framework on Durable Solutions for IDPs identifies as relevant to see if a durable solution to internal displacement is to be achieved (see next section).

Thus, at the national level, **it seems that the rights sectors for assistance and protection of IDPs identified by IDP instruments are substantially similar to those relevant to achieving solutions for IDPs.** This is hardly surprising, and it clearly suggests that the two stages are less distinct than sometimes seems to be assumed, or at least that any differences are located in considerations other than the standards governing the IDP response. **If so, then we need to think more carefully about where differences lie and what this means in relation to solutions** (for example where there seems to be some distinction, i.e. on access to an adequate standard of living, the focus of the assistance and protection stage tends to be on delivery of humanitarian aid and facilitating access to basic services, while during the solutions stage additional emphasis is put on restoring and improving local infrastructure and basic services),¹⁶³ including for the structures of governance.

This similarity in sectoral standards between the assistance and protection stage and solutions stage points to a strong legal/policy basis for complementarity between short-term humanitarian approaches and longer-term development approaches, with largely shared standards to guide the IDP response across both stages. This makes sense given that, as per the 2010 IASC Framework, solutions are about restoring the enjoyment of rights in the sectors adversely affected by the fact of displacement, as those will likely be the very sectors where assistance and protection is needed earlier in displacement too if we are to reverse the process of loss experienced by IDPs,¹⁶⁴ as former RSG on IDPs Walter Kälin well captured in the image below (where the second column represents the situation of IDPs depending on humanitarian assistance/being in protracted displacement, while the third column indicates what needs to be done to achieve solutions):

From internal displacement to a durable solution - Reversing the process of loss



Rights in the eight sectors are regulated generally by the national law of the country and not just in relation to IDPs. Thus, even where the national IDP instrument does not take the form of a law, the sectoral standards that it outlines for the IDP response will have legal force where they derive from these broader domestic law standards. These may nevertheless require review and possible amendments to address the displacement-related protection and assistance needs of IDPs and strengthen their protection.

Solutions

According to the 2010 IASC Framework on Durable Solutions for Internally Displaced Persons, a durable solution is achieved when IDPs ‘no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement’.

This Framework identifies eight sectors (criteria) to consider in order to meet this standard: safety, security and freedom of movement; adequate standard of living; access to livelihoods; access to mechanisms to restore housing, land and property; documentation; family reunification; participation in public affairs; access to effective remedies.

All 15 of the countries sampled have adopted national instruments concerned with the solutions phase of internal displacement. Even those countries that lack overall instruments on internal displacement have specific policies or strategies on solutions for IDPs (i.e. CAR, as well as DRC and Ethiopia at sub-national level). In the other 12 countries, even if the practical response to internal displacement focuses primarily on (emergency) humanitarian assistance and protection, IDP laws and policies treat solutions as requiring a separate chapter or raft of provisions, and often recognise the need for dedicated frameworks on solutions. Indeed, some countries have adopted additional strategies specifically on solutions (e.g. Somalia, Ukraine, Nigeria at sub-national level), whilst others are in the process of doing so. This has also been the result of a renewed emphasis on solutions strategies and roadmaps by the UN Special Adviser on Solutions to Internal Displacement.

i. Standards

Both IDP-specific and solutions-specific instruments tend to set down general standards for durable solutions. Indeed, an important effect of these frameworks is to introduce in national legislation the concept of durable solutions, which would not be otherwise codified. In addition, the processes of consultative development of such frameworks and awareness raising around them help create a degree of common understanding among relevant stakeholders on both the concept and related principles that must guide any durable solution process (e.g. respect for the right of IDPs to make an informed and voluntary choice on what durable solution to pursue).



Nigeria: Boko Haram displaced grapple with aftermath of Maiduguri flooding (31 October 2024). © UNHCR/Colin Delfosse.

Country example

For example in **Niger**, in 2023, the Government and the national Protection Cluster organised a series of activities aimed to raise awareness among relevant stakeholders around the national 2018 IDP law and promote its implementation. In this context, during a workshop in Tillabery region, protection partners were able to discuss with local authorities the precarious situation of IDPs living in an IDP site in Sakoira, discuss possible solutions with an emphasis on relocation as IDPs' preferred choice, as well as the principles and standards to be respected in the context of a relocation process. Following a joint visit to the site and consultations with IDPs, local authorities identified and designated an adequate relocation site for them, and due process was followed.

In addition, solutions-specific instruments focus on identifying strategic and pragmatic actions needed to move towards durable solutions within a particular time-frame (usually three to five years),¹⁶⁵ and sometimes for a target IDP population within the country.¹⁶⁶ Some solutions strategies were created by sub-national authorities too.¹⁶⁷ Some IDP-specific instruments even create a duty for specific solutions strategies to be developed at the provincial or local level.¹⁶⁸

International standards have clearly influenced the ways in which many national instruments frame ‘solutions’, especially in countries where international actors were very involved in supporting their drafting¹⁶⁹ or where domestic courts have interpreted national IDP standards by reference to international ones.¹⁷⁰ Thus, many instruments expressly recognise:

- the **primary duty of the authorities to create the conditions for solutions**,¹⁷¹ sometimes articulating this as a legal duty of the State,¹⁷² or as a right of IDPs to a solution.¹⁷³
- that the choice of where to access a solution must be made voluntarily by the IDP (with some instruments presenting this as a right).¹⁷⁴

As such, most instruments require the authorities to ensure that IDPs are provided with accurate, detailed and up-to-date information on their options and the situation in their home or intended relocation area.¹⁷⁵ This extends expressly or implicitly to information about safety issues and the kind of support that they will receive there.¹⁷⁶ Some instruments require the authorities to facilitate free go and see visits to the area.¹⁷⁷ Several mention the need for participation by IDPs¹⁷⁸ or by both IDPs and the host community,¹⁷⁹ in planning and implementing solutions. Many expressly prohibit encouraging or compelling IDPs to return or relocate to areas where they would be at risk.¹⁸⁰

However, it should be noted that a **political focus on IDP returns as the only or favoured solution is nevertheless explicit in some domestic frameworks**. In conflict contexts, the fact of forced displacement in itself can be perceived as an implicit criticism of the government’s authority and its ability to win the war.¹⁸¹ By contrast, returns serve as a political cipher for

its ability to restore security in troubled parts of the country, or even a means of doing so. For example, this was long the case in Colombia on the part of the government, despite efforts by the courts to emphasise IDP choice in the location of solutions.¹⁸² Similarly, in Georgia, return of IDPs to the occupied territories is seen as the only form of durable solution. Although the government has for many years been taking steps to facilitate the local integration of IDPs where they are now living, it takes the formal position that IDP status will continue until return is possible. It is a position with which many IDPs also identify. Clearly, this reflects the acute political issues around the form of displacement and its origins in the occupation of parts of Georgia’s territory. A similar dynamic prevailed in Azerbaijan until the past decade, when it has also recognised the need to improve IDP living conditions in collective centres in urban and semi-urban areas – although the law emphasises return and contemplates other solutions only where return is ‘impossible’.¹⁸³ In 2022, the country adopted its Great Return program, which underlines return as the solution to Azerbaijan’s IDP situation. The same is the case in Iraq for the 2022 National Plan for Returning the IDPs to Their Liberated Areas. In some countries, even where IDPs’ choice in deciding where to access solutions is formally affirmed in domestic IDP instruments, it is evident that the politics undercut this principle through a policy emphasis on return.¹⁸⁴



An internally displaced Iraqi is the sole provider of her grandchildren (15 February 2022). © UNHCR Iraq.

Conversely, whilst most IDP frameworks expressly prohibit forcible returns (especially to unsafe conditions), there remains a lack of clarity on the scope of institutional responsibilities in supporting IDPs who decide to access solutions in unsafe locations. Beyond a duty to inform IDPs of the dangers, different approaches are evident in the domestic instruments of different countries. Some laws allow the authorities to temporarily prohibit returns where there are real risks to safety and other means of protection are not possible or available.¹⁸⁵ Others do not prohibit returns in such circumstances, but require IDPs to assume the legal responsibility that unsafe returns entail.¹⁸⁶ Other instruments instead commit the authorities to restore the necessary security conditions so that returns can take place,¹⁸⁷ with some specifying the need to deploy security forces in temporary or permanent operational bases in those sites,¹⁸⁸ clear mines and unexploded ordinance and to promote reconciliation or conflict resolution at the local level.¹⁸⁹ Most frameworks provide little real clarity on this complex issue.¹⁹⁰

ii. Core actions

Alongside these standards, many of the IDP instruments and solutions-specific strategies set out actions that should be taken in order to facilitate such solutions being achieved. It is notable that these **actions mostly relate to the following sectors (corresponding to the first four criteria of the IASC Framework on Durable Solutions): safety and security, adequate standard of living, access to livelihoods and access to HLP mechanisms.** There is much less provision for actions in relation to the other criteria, i.e. documentation, family reunification, participation in public affairs and remedies.¹⁹¹ In this regard, it is notable that certain countries that take a status-based approach to IDPs have tended to place a particularly heavy emphasis initially on housing and only later increasingly on social protection and livelihoods. For instance, this was the case with Georgia and Ukraine, although the latest Ukraine strategy puts a lot of emphasis also on psychosocial assistance too, an aspect of solutions the importance of which is often understated.¹⁹²

One area of activity that is reflected in some national IDP instruments, though it is not prominent in the IASC Framework on Durable Solutions, is that of **promoting social cohesion** in communities where IDPs were living and preventing negative attitudes.¹⁹³ The actions to be taken in practice were difficult to discern. Nonetheless, it seems that this objective could sometimes be met by pursuing other, more tangible ones. For instance, this appeared to be the case with actions on the part of the Azerbaijani government that were focused on improving IDPs living conditions. Particularly in communities near the buffer zone where IDPs and non-IDPs lived together, the implementation of small-scale community-driven projects designed to resolve material problems with living conditions also had the effect of addressing strained relations between the groups. Ultimately, this was achieved through the groups working together on collective projects from beginning to end. However, these dynamics meant it may not have worked so successfully in the capital city, where the living situations of the two groups were more likely to be separate.¹⁹⁴ In Iraq, efforts were made to improve social cohesion under the Durable Solutions Framework.¹⁹⁵

Solutions standards and actions in core IDP-specific or solutions-specific instruments are often linked to, or developed by, IDP-inclusive instruments in other fields.

IDP-inclusive instruments at the domestic level often include national (or sub-national) frameworks for development¹⁹⁶ and those for peacebuilding and/or post-conflict recovery,¹⁹⁷ as well as specific sectoral laws, policies and programmes.¹⁹⁸

Supporting durable solutions through legalisation of informal settlements in Colombia

For over a decade, in Colombia, local authorities (especially the planning secretariats of the mayor's offices) with the support of UNHCR and partners have worked to achieve the legalisation of informal settlements that are also inhabited by IDPs (and, in some cases, also refugees and Colombian returnees from Venezuela). This work began as a result of surveys which, at the time, indicated that the displaced population did not want to return to their places of origin but wanted to stay in the areas where they had sought refuge after displacement. A dedicated project was then developed to strengthen both the local authorities (supporting them throughout the process, which can be complex and costly) and the affected communities, so that they are the ones who manage their own legalisation processes. Once the settlements are legalised, they become established neighbourhoods governed by the municipality's land-use planning, and places where housing, public services and neighbourhood improvements can be applied, generating local urban integration processes that not only benefit the displaced population but also the host community.

This initiative remains very relevant given that, as indicated in the latest survey of the displaced population carried out by the Follow-up Commission of the Constitutional Court's ruling T-025 of 2004 with the support of UNHCR, more than 75 percent of the displaced population in large cities has no intention of returning to their places of origin.

In addition, and in accordance with the current National Development Plan, the legalisation of informal settlements also constitutes a measure of adaptation to climate change. This is because in order to legalise a settlement, it is necessary for competent authorities to carry out a risk study that identifies areas of mitigable risk (where the municipality will have to carry out containment works) or non-mitigable risk (where a relocation plan will have to be implemented). This therefore helps reduce the risk of secondary displacement due to disasters and the adverse effects of climate change.



Colombia (14 November 2022). © UNHCR/Nicolo Filippo Rosso.

iii. Framing and measuring the achievement of solutions

Domestic instruments in many countries define the achievement of a durable solution by referencing the IASC formulation.¹⁹⁹ Countries within the sample appear to differ on which rights sectors (corresponding to the 8 criteria of the IASC Framework) need to be addressed: some require all 8 sectors to be addressed (Nigeria,²⁰⁰ Somali Region in Ethiopia,²⁰¹ Somaliland²⁰² in Somalia, and Chiapas, Guerrero, Sinaloa, Zacatecas States in Mexico²⁰³); others refer to a more limited set (Afghanistan,²⁰⁴ Niger²⁰⁵), or are unclear on this point

(e.g. Yemen). As such, there is some degree of variation as to the specific rights sectors that countries see as needing to be engaged for the purpose of durable solutions for IDPs, although the Framework on Durable Solutions for IDPs remains the key reference. **In countries taking a status-based approach, national IDP laws usually refer to the ‘cessation of IDP status’ rather than solutions as such** (see previous chapter). However, as mentioned, such laws are often accompanied by additional instruments (e.g. strategies, plans) dedicated to solutions (e.g. Ukraine, Georgia, Azerbaijan).

Debunking common myths around the achievement of durable solutions: durable solutions do not equate to...

... **Camp closure:** it is a reality that in several countries many IDPs, though not the majority, live in camps (in all their forms - whether planned camps, spontaneous self-settled camps, collective centres, etc.).²⁰⁶ Some IDP laws and policies foresee the establishment of camps, and include important provisions around respecting the civilian character of camps. It is well acknowledged that camps can have significant negative impacts over the longer term for all concerned, and it is a responsibility of States in collaboration with their partners to pursue alternatives to camps, and it is their prerogative to close them. In so doing, it is fundamental for the authorities to uphold humanitarian principles and comply with their international obligations under international human rights and humanitarian law.

However, even among the countries sampled camp closure strategies are sometimes pursued by governments also to demonstrate that a displacement situation has been overcome, without any real solutions strategy being in place for those IDPs compelled to leave the camps. As highlighted by the former Special Rapporteur on Human Rights of IDPs, Chaloka Beyani, following his working visit to DRC in 2016, ‘the forced closure of camps does not constitute a durable solution for those living there, in fact it does the opposite: it causes renewed displacement, creating new humanitarian needs’.²⁰⁷ Among the countries sampled, there have been some positive experiences where informal settlements with a large presence of IDPs have sometimes been formalised successfully as integrated settlements for the purpose of promoting solutions, by facilitating access by IDPs to services in different sectors (e.g. Afghanistan, Colombia). Countries like Georgia and Ukraine have also developed targeted strategies to support IDPs in collective centres, often among the most vulnerable.

... **De-registration:** it should be emphasised that as registering IDPs is not as such equivalent to defining IDPs, de-registering should also not be considered equivalent to the achievement of a durable solution. IDP registration, as any type of data collection, should have a specific purpose that should be defined before registering people (e.g. case management for provision of specific assistance), and de-registration should be linked to meeting that purpose. A State may count IDPs in a way that is different from assessing who is eligible for certain benefits and entitlements. For more on data sources for collecting statistics on IDPs, see the International Recommendations on IDP Statistics.²⁰⁸

A common issue all States are confronted with is that of monitoring the impact of their IDP response and, linked to this, assessing progress towards and the achievement of durable solutions for IDPs. Although these challenges overlap somewhat, they address distinct but related questions, such as: how to prioritise limited resources to enable IDPs to secure solutions? How to measure the impact of national policies aimed at supporting durable solutions for IDPs? How to measure progress over time? When should we stop counting IDPs in statistical terms? As these are distinct questions, they also have distinct answers and different implications for methodological development.²⁰⁹

While there is no internationally agreed-upon methodology to measure progress towards durable solutions yet, a clear recognition of the need to establish one has led to increased efforts to that end in recent years. Those led by the **Expert Group on Refugee, IDP and Statelessness Statistics deserve particular mention**, as it has made significant progress in finalising a two key measures based on the IASC Framework on Durable Solutions for IDPs.²¹⁰

- A **‘progress measure’**, designed to show the change in the share of IDPs who have overcome displacement-related vulnerabilities over time, which builds on the inter-agency durable solutions indicator library;²¹¹

- a **statistical measure for exits from the IDP stock** (a composite measure for overcoming of key displacement-related vulnerabilities).²¹²

For the purposes of measuring progress toward durable solutions for IDPs, existing standards and good practice highlight the particular importance of:

- A comparative approach against the general/national population, and
- **An analysis of the wider context**, including the legal, policy and institutional environment;²¹³ community relationships and social cohesion; availability and quality of services, as well as employment opportunities and resources.²¹⁴

As a result, it should be noted that for countries that register IDPs, even those with the most comprehensive registration systems, **an IDP register alone is not sufficient to inform durable solutions policy and programming**. IDP registration data has often had to be complemented by the administration of other surveys, assessments and other measurement tools.

Colombia:

Multiple measurements to assess policy implementation and progress towards solutions for IDPs

Although **Colombia** is often mentioned in relation to his comprehensive victims’ registry, the Victims Unit has developed various measurements and tools that allow for monitoring progress in the implementation of the country’s public policy on victims, and facilitate evidence-based decision making. These tools are complementary and each one has a specific scope depending on their objectives (See figure to follow).

It is notable that the Colombian Constitutional Court defined the threshold for overcoming the *‘unconstitutional state of affairs’*²¹⁵ on internal displacement (declared through its ground-breaking decision T-025 of 2004) as the *‘effective enjoyment of rights’* for IDPs, a concept with strong similarities to international standards on IDP solutions.

	Overcoming of the situation of vulnerability (SSV)	Indicators of effective enjoyment of rights (IGED)	Comprehensive territorial intervention model (MITI)
What is it?	Measure to monitor the public policy on victims for households with at least one victim of forced displacement.	Measure that makes it possible to monitor progress in guaranteeing the rights of the displaced population, within the framework of overcoming the unconstitutional state of affairs.	Planning and targeting instrument that evidences the territorial context for the general population, including victims, in three components: humanitarian, reparation and supply needs.
What is it for?	Assessing socio-economic stabilisation, based on the fulfilment of 8 rights: documentation, health, psychosocial care, education, family reunification, housing, income generation and food.	Establishing if the IDP population has access to 14 rights: housing, minimum subsistence, education, returns and relocations, compensation, income generation, life, integrity, liberty, justice, rehabilitation, guarantees of non-repetition, land restitution and protection of abandoned land.	Establishing where the institutional offer should be prioritised, according to the needs of the population. Unlike SSV and IGED, this tool incorporates the territorial approach.
What type of results it offers?	Municipal or departmental data and lists of households and individuals, according to the protection of the 8 rights, disaggregated by differential approaches.	Municipal or departmental data of households and individuals, according to the protection of the 8 rights, disaggregated by differential approaches.	Regional, municipal or departmental data, either by component or by overall outcome. The higher the score, the greater the need for institutional intervention.

www.unidadvictimas.gov.co

Source: Victims Unit (October 2023).

The Court established that one of the reasons behind the inadequate treatment of IDPs was the absence of objective and reliable measurements of the situation of this population, which could allow the evaluation of the impact of the public policy aimed at assisting them. For this reason, one of the Court's orders consisted in the construction of indicators of effective enjoyment of rights (IGED, for its acronym in Spanish) to fill this gap. The IGED are used by the Court to evaluate the level of compliance with Judgment T-025, in line with the following key principles:

- equality and non-discrimination: it implies that not all the rights of this population must be satisfied to its maximum extent possible; it requires verifying that the IDP population (with due consideration to a differential approach) does not face greater limitations to the effective enjoyment of their rights than the rest of the Colombian population;
- progressivity and non-regressivity: it requires a gradual advancement, in accordance with the State's economic and institutional capability, in the coverage and protection of rights that involve expenditures and expenses for the government.

The IGED have been refined and consolidated over time to obtain suitable (i.e. relevant, sufficient, adequate) evidence. Remarkably, the need to compare data in the IDP registry with other administrative registries for reporting to the Constitutional Court was a factor in pushing the government to make all its administrative databases interoperable. May 2024 marked the 20th anniversary of the Court's monitoring of the compliance of Judgement T-025 of 2004, which was an important moment for taking stock of progress made and identifying effective ways to address internal displacement moving forward, in a complex context of ongoing armed conflict.

Learning from experience: key takeaways

A national framework setting out the basic scope and standards for the IDP response is essential for framing principled and coherent implementation of the IDP response - for protection and assistance of IDPs, prevention of arbitrary displacement, as well as solutions to internal displacement.

Many core frameworks affirm the principle of preventing displacement in line with international standards. This is articulated primarily as a **prohibition of arbitrary displacement, although there is significant variation as to its scope**. Some countries also criminalise (different forms of) the act, but those provisions have been patchily implemented at best. Some also foresee the setting up of systems to monitor and warn about conflict-related risks, so that actions to avert displacement (or allow temporary organised displacement), including conflict-resolution efforts, can be taken. Many countries recognise that respect for international human rights and humanitarian law constitutes the essence of prevention. Some IDP-specific frameworks, meanwhile, recognise that **preventing displacement during conflict usually implies far-reaching and non-IDP-specific interventions**.

Experience in the sampled countries indeed suggests that complementary non IDP-specific instruments (e.g. in the security and socio-economic areas) are likely to be of equal or greater importance in protecting people from displacement and addressing its key drivers.

In the national IDP laws and policies of the countries sampled, the rights sectors for assistance and protection (usually articulated as legal rights) are substantially similar to those relevant to achieving solutions for IDPs. This suggests that the standards underpinning these two aspects of IDP response are less distinct than is sometimes assumed, and points to a **strong legal/policy basis for complementarity between short-term humanitarian interventions oriented towards assistance and protection and longer-term development interventions oriented towards solutions**. An analysis of the solutions provisions of relevant frameworks in the 15 countries indicate that the IASC Framework on Durable Solutions for IDPs remains a key reference to frame the definition of solutions, its principles and standards, as well as to guide action across different areas.

Finally, it is important to note that the solutions standards and actions in IDP laws and policies or in solutions-specific instruments are often linked to, or developed by, IDP-inclusive instruments in other fields. As already concluded in the previous chapter, the integration of internal displacement (or solutions more specifically) in wider domestic frameworks is crucial for reinforcing the response to IDPs through a 'whole of government' effort and ensuring that it moves beyond a short-term focus on rapid humanitarian assistance to a sustained engagement with longer-term solutions to internal displacement.²¹⁶ This is especially the case where it opens the door to engagement with solutions by actors other than just humanitarian ones (e.g. local and international development actors) or ensures that solutions are integrated into their budgeting. Once again, this points to the importance of taking an integrated approach to State responsibilities for IDP issues, whereby both IDP-specific and IDP-inclusive legal and policy frameworks serve a particular and complementary purpose.

Inclusion of displacement in development planning

In a 2023 joint study on inclusion of the forcibly displaced in development planning, OECD and UNHCR found that the national development plans of displacement-affected low-income and middle-income countries include refugees and IDPs the least (28% do so). The study identifies this as an important area for policy change and makes a set of recommendations, including to highlight that refugees and IDPs themselves should be empowered to become a constituency with a voice in development planning.

In line with these considerations, and in an effort to facilitate the socio-economic inclusion of those forcibly displaced in the Democratic Republic of Congo (DRC), in September 2021 UNHCR partnered with the United Nations Development Programme (UNDP), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and Mercy Corps to launch the project called 'Inclusion of Forced Displacement and Participation of Displaced Population in Local Development Planning', aimed to strengthen the capacity of local authorities (*chefferies* of North Kivu and Ituri provinces) to support the inclusive preparation of local development plans that would help

promote protection and solutions for forcibly displaced populations, in line with the UN Sustainable Development Cooperation Framework and the operationalisation of the principle of "leave no one behind".

Partners organised training activities to build the capacity of authorities to respond to humanitarian crises, including with a focus on humanitarian principles and the normative framework for durable solutions. Following the trainings, entities were supported in the preparation of their local development plans. UNHCR supported the facilitation of participatory assessments to identify protection risks and assistance needs, as well as the drafting of local plans or annexes to existing plans. This led to the inclusion of strategies for solutions for the forcibly displaced population, such as strengthening civil registration authorities for documentation and support for unaccompanied minors. The project has had an impact on local policy development, with the authorities updating their development planning guidelines, strengthening local peace structures, and strengthening collaboration with other agencies on durable solutions work.



DRC: Mbusi Nyakata Emmanuella, 24, does her daily chores in front of her house in the ecological houses programme in the Telega camp for internally displaced people in Ituri province (24 September 2024). © UNHCR/Guerchom Ndebo.

4. INSTITUTIONAL RESPONSE

The implementation of a response to internal displacement demands not only articulating the standards that will guide it, but also creating and operating institutional structures to achieve those ends and having the resources in place for implementation. The institutional framework needs to be set up to express national responsibility, and many different government actors need to be engaged in addressing internal displacement, given the nature and scope of the needs of IDPs. This inevitably creates challenges around coordination and it becomes essential to avoid duplication and gaps in service provision. Law and policy on internal displacement play a crucial role here too. Indeed, **it is not possible for a government to mount a consistent response to internal displacement at scale without legal or policy instruments to set out the roles and responsibilities of State institutions** in this undertaking.

Most of the 15 countries have created formal institutional arrangements to implement their IDP response through IDP-specific laws and policies at the national level. The main elements of these formal arrangements in the countries sampled are analysed below, with a focus on countries' approaches to:

- designating a focal point institution on IDP issues;
- operationalising the whole-of-government approach to internal displacement, with a focus on the role of ministries and other national agencies, that of sub-national authorities, and related coordination mechanisms; and
- funding the implementation of the IDP response.

Key issues around **institutional and technical capacity, as well as political willingness**, are also analysed. The analysis aims to identify what approaches have been most effective and why, reflecting on key challenges and ways in which States have tried to overcome those. **Practical execution of the IDP response by these institutions depends fundamentally on both their willingness and capacity to implement.**

Analysis of these issues shows the challenges in these areas, and it also points to the innovative ways some States have sought to overcome the difficulties of responding to the needs of IDPs. The actions and omissions of the institutions involved in the IDP response are subject to wider control mechanisms within the government and through domestic courts, even if few IDP instruments expressly recognise this role of the courts.²¹⁷ This takes place according to the legal rules of the particular jurisdiction.

IDP focal point institution

... As the saying goes, “If everyone is responsible, then no one is responsible”.

*From Responsibility to Response: Assessing National Approaches to Internal Displacement*²¹⁸

Most of the 15 countries sampled have a national focal point within the State apparatus with the responsibility for leading the response to conflict-driven internal displacement. Designating an institutional focal point has been recognised as essential for clarifying responsibilities, increasing government accountability and ensuring sustained national attention to the issue at least since 2005, when the *Framework on National Responsibility* clearly identified it as a benchmark for States in the exercise of their primary responsibility towards IDPs. The analysis confirms that even countries which initially did not appoint a single focal point institution did so at a later stage,²¹⁹ showing the importance of having a lead entity in charge of the response.

Designating a focal point is often a primary objective for the establishment of IDP-specific laws or policies, and it is considered among the “minimum essential elements” of state regulation of internal displacement.

It is also one of the main sticking points in the process of their development, as some of the examples below demonstrate.²²⁰ In some countries, broader general laws or administrative directives clarifying duties and responsibilities of national ministries and agencies are used to attribute responsibilities towards IDPs.²²¹ If a country has already identified a focal point before developing a specific national law or policy on internal displacement, typically, that authority takes a leading role in shaping the new legislation. This often just confirms the authority's position or may offer a chance to reconsider its designation,²²² as seen in Colombia and Yemen.

i. Different models and factors promoting effectiveness

Institutional focal points in governments vary widely among the 15 countries (as well as beyond):²²³

- In many countries, this focal point function is attributed to **an existing ministry or agency**. This may be the humanitarian ministry (e.g. Niger, Nigeria), the interior ministry (e.g. Somalia), the refugee ministry (e.g. Afghanistan), the Ministry of Displaced and Migrants (e.g. Iraq), or the Human Rights Ministry (e.g. Honduras).
- A ministry primarily focusing on IDPs was initially established in countries such as Georgia and Ukraine, but they have evolved over time, being merged with other ministries²²⁴ or assuming additional responsibilities and reframing their focus.²²⁵
- In other countries, the focal point is located outside of any particular ministry, but **within a high-level cross-ministerial entity**. This includes where the focal point takes the form of a special unit within entities such as the national cabinet of ministers²²⁶ or the president's office.²²⁷

Thus, for the most part, IDP focal point institutions in the countries sampled tend to sit **within institutions that have a wider remit** than just leading the response to IDPs generated by conflict and violence.²²⁸

Whether newly established for the purpose to respond to the displacement crisis at hand or existing, wider factors that appear to impact on the effectiveness of

the national focal point are whether the appointed focal point institution has:

- **access to top leadership**, which is particularly essential at the height of a crisis;
- **legitimacy and authority** to promote engagement across the whole-of-government and bring all the other national and sub-national entities along;²²⁹ and
- **adequate human and financial resources** to function effectively (a point addressed in the next section).

Good practice:

Increasing the political clout of the IDP focal point in Ukraine

Ukraine provides a positive example of where the institutional focal point on internal displacement (i.e. the Ministry of Reintegration of Temporarily Occupied Territories) currently has a high level of legitimacy and authority. This has been achieved through a government decision in 2021 to elevate the Minister of Reintegration of Temporarily Occupied Territories to the level of Deputy Prime Minister of Ukraine, to increase its influence over other ministries in light of the importance given to the displacement response. In this capacity, the Deputy Prime Minister also chairs the new IDP Coordination Council that was set up in 2023, to address the need to manage the scaled-up IDP response in a coordinated and effective manner following the full-scale invasion.

In general, the **position of the focal point institution within the government appears to reflect differing political or practical views of where the IDP remit is best situated**. However, experience indicates that **some models are not likely to be viable**, for example where independent agencies or commissions are proposed to be designated as IDP focal points (e.g. National Human Rights Commissions or National Refugee Commissions in some countries).

This is because, as they may sit outside the government or lack the necessary authority, these institutions cannot adequately reflect national responsibility and support a whole-of-government approach to the IDP response. Some commentators expressed the view that the administrative nature of the Victims' Unit in Colombia also reflects this challenge.

An issue that deserves to be explored further is **the extent to which the wider thematic focus of the IDP focal point institution impacts** on the institutional response to IDPs. One aspect to consider is **its specific expertise**, and whether it is mainly humanitarian (for example where this role is played by disaster management agencies) or more solutions-oriented. This can matter depending for example on the

magnitude and duration of displacement, as different institutional competencies may be required at different phases of the response. Indeed, **the institutional locus of the IDP focal point is not always fixed and static**. In some countries such as Colombia or Ukraine, the national focal point has been substantively reconfigured through time and even transferred from one national host institution to another. Such changes appear to reflect a drive for greater efficiency by the national government concerned, whether specifically in relation to the work of this focal point or more widely in government. Particularly countries with more highly developed laws and institutions appear open to the possibility of shifting the IDP focal point over time to better facilitate its work within the shifting context of wider national governance.

Evolution of the institutional focal point: the impact of changes in Georgia

Georgia provides an interesting case study for the impact of such institutional shifts. Its national ministry with responsibility for IDPs was originally created in 1996. Although its title was Ministry for Refugees and Accommodation (the IDP label was little in use at the time), it referred primarily to IDPs and accommodation. It was subsequently renamed as the Ministry for IDPs From the Occupied Territories. In 2018, its IDP responsibilities were merged with those of the Ministry for Labour, Health and Social Affairs and the entity was reconstituted as the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs. The Ministry therefore has an overarching function in the areas mentioned in the title for all citizens of Georgia, including IDPs. However, under the Ministry there is a legal entity called the "IDPs, Eco Migrants and Livelihood Agency" that has the exclusive function of implementing existing IDP-specific programmes via its central and four regional representations.

This merger was a way for the government to address some of the challenges it had identified in its response, particularly around inter-agency coordination and institutional capacity at the local level,²³⁰ despite the demonstrable steps taken towards improving the socioeconomic conditions of IDPs. This shift did not dilute the IDP-related work of this institutional focal point. Rather, it has sought to ensure that accommodation and other integration issues for the longstanding IDP population were more effectively mainstreamed within the wider social protection processes of the national government. Although this merger has not been without its challenges, it has served to link social concerns for IDPs directly with those of other citizens institutionally. In practice, since the IDP focal point officials are now located together with the officials leading on wider social protection issues, this allows them to communicate and interact more directly. This has facilitated institutional processes for solving problems that involve different institutions, such as where IDPs have trouble gaining access to State services from different providers.

ii. Role and responsibilities of the lead agency

Laws and policies on internal displacement usually spell out the remit and functions of the national IDP focal point entity in detail. These vary among sampled countries, although most IDP frameworks establish as the primary function leading the implementation of the domestic IDP framework through the structures created for coordinating the IDP response by national and international entities. The more detailed IDP-specific instruments detail a wider range of accompanying responsibilities for the focal point to fulfil in pursuit of this aim, such as leading the policy drafting, planning and awareness-raising,²³¹ provision and coordination of humanitarian assistance (including, in some cases, data collection on IDPs and management of IDP camps/settlements). Often, the role of the focal point explicitly states that its responsibilities include protection and assistance²³² but in some cases the formal mandate of the institutional focal point refers explicitly to supporting durable solutions for IDPs.²³³

Most IDP laws and policies are clear on the fact that the institutional IDP focal point is **not supposed to be the sole provider** of all support to IDPs.

Its role is for the most part that of **leading the IDP response, mobilising and coordinating efforts**, playing an advisory and knowledge management role. In line with the whole-of-government approach, **other national ministries and agencies must assume their own sectoral responsibilities for IDPs** and not presume that everything relating to IDPs falls only to the national focal point. This is as much **a matter of political will and understanding as of coordination**. This is also where a higher authority on IDP matters may be useful, because even where the IDP focal point is a ministry, ministries cannot give instructions to each other and this may lead to gaps in the IDP response (for example, where an ‘IDP ministry’ and an education ministry may be ‘passing the ball’ to each other when it comes to dedicate specific resources to ensure education for IDP children).

Some IDP laws and policies provide comparatively little detail on the precise institutional responsibilities, suggesting that the focal point may have relatively wide discretion as to its specific activities. The same is true for countries that lack a core IDP-specific instrument, where the scope of functions exercisable by the designated national focal point appears to be even more of an open question, as analysed in the next section.

In focus:

Who is responsible for data on internal displacement?

Data on internal displacement can serve a range of functions or purposes in relation to implementing the IDP response. They include understanding the scale and nature of displacement, assessing the vulnerability of IDPs compared to other population groups, identifying eligibility for assistance, monitoring the implementation of public policy and assessing its impact to keep governments accountable. Currently, the vast majority of available data on internal displacement worldwide has been collected primarily by international actors for operational purposes. However, the importance of nationally-owned data as a basis for exercising States’ primary responsibility towards IDPs has been increasingly acknowledged, and the inclusion of displacement in official statistics has been supported through various multi-stakeholder initiatives and platforms, first and foremost the Expert Group on Refugee, IDPs and Statelessness Statistics (EGRIS).

What IDP laws and policies say about data on internal displacement is an underexplored area that deserves to be analysed further, but institutional systems for gathering and storing IDP data are also specified by some domestic IDP instruments.²³⁴

For example, many IDP laws and policies in sampled countries include specific provisions relating to data. Usually, these provisions:

- refer to the purpose of data collection (although this is often left unspecified or under-developed);²³⁵ in some cases, they expressly mandate the setting up and maintaining of a national data collection and information system on internal displacement;
- identify the national institution(s) responsible for data on internal displacement. Frequently, it is the national focal point institution (e.g. Colombia, Georgia). However, other institutions are sometimes accorded a role too (e.g. in Ukraine, the Ministry of Social Policy manages the IDP register; in Niger, the IDP law provides for the establishment of a National committee for data collection and information management on IDPs);
- An important learning is that only a limited number of IDP instruments includes clear provisions on funding for data-related activities, which can be an issue.

Adequately shaping data provisions in IDP laws and policies calls for a dialogue between law-and-policy makers and relevant data experts from their respective countries (as well as international if necessary), which should be an integral part of the inclusive consultative process that a government should lead with relevant parties before and during the drafting process of an IDP framework.²³⁶

Experience in these countries shows that IDP laws and policies may not need to go into too many technical details regarding data. However, they should be clear about the objectives of data collection, and about roles and responsibilities around data – where data sits within the government approach, who can generate it, what is the relationship of this entity with the National Statistical Office, how is data stored, protected and shared with other relevant institutions as necessary, in line with a whole-of-government approach. It is particularly important to establish the appropriate connection and integrate these data efforts with the national statistical system as relevant and possible. This would support the production of good quality official statistics in the long term, in line with the international recommendations on IDP statistics.

In an example of good practice, the national IDP law adopted by Honduras in 2023 (Art. 58) is the first ever to expressly mention the role of the National Statistical Office (Spanish acronym: INE) and the broader national statistical system, in collaboration with the institutional IDP focal point, to follow up on the situation of IDPs over time and inform the evidence-based implementation of the IDP law in the country.

iii. Challenges with dispersed IDP responsibilities

Among the countries sampled which lack a national law or policy on internal displacement (CAR, DRC, Ethiopia and Mexico), some have allocated some level of IDP response responsibilities to one or more relevant national ministries. In other cases, a single clear focal

point is not identified; rather, several ministries or agencies assume the role. These approaches have proven problematic in terms of ensuring coordination and effectiveness of the national response, which is why the lack of a clearly-designated national focal point remains a crucial issue raised by those advocating for the establishment of national IDP-specific frameworks (currently pending adoption in Ethiopia and Mexico).

Example of countries with no single, clearly identified focal point

In DRC, a Ministerial Ordinance was adopted in 2022²³⁷ to establish the responsibilities of national ministries across all areas. The document allocates some responsibilities towards IDPs to different ministries, explicitly mentioning them in particular under the Ministry of Social Affairs, Humanitarian Action and National Solidarity, for its responsibility to ‘collaborate and coordinate with humanitarian agencies and national, regional, sub-regional and international organisations competent in matters of assistance to refugees, victims of war and natural disasters, IDPs and other vulnerable people in case of humanitarian crises’; and the Ministry of Interior, Security, Decentralisation and Customary Affairs, especially for its explicit responsibility to ‘protect IDPs’.

This dual focal point function and the allocation of somewhat overlapping responsibilities has resulted in a conflict of competences that undermines an effective national response in practice; it has also intensely politicised the IDP issue, as it often happens. At the local level, the ministry leading the IDP response varies by province, depending where the IDP crisis occurs. As a result, the IDP response can be quite uncoordinated, with a plurality of national institutions competing over funds for humanitarian response and to serve as technical counterparts for international actors. This highlights the remaining need for a national framework that allocates clear responsibilities as a basis for a coordinated and effective IDP response, in line with the country's regional obligations under the 2006 ICGLR IDP Protocol (Article 3.5) and the 2009 Kampala Convention (Article 3.2) that DRC internally ratified in 2014 - but it has not yet deposited its instrument of ratification with the AU Secretariat.

A similar situation prevails in Ethiopia where, as a result of political reforms, government leadership responsibilities have remained fluid - particularly oscillating between the Peace Ministry and the Ethiopian Disaster Risk Management Commission, following a pattern which is quite common among countries that are affected by displacement in the context of both conflict and disasters. In 2018, a law creating the Ministry of Peace also gave it a national mandate to deal with internal displacement, such that it initiated various activities, including the drafting of a national IDP framework, and liaised with other ministries.

However, in 2021, a new law removed this mandate from that ministry and did not allocate it to a new one. In some regions (reportedly not in others), local offices of the National Disaster Risk Management Commission have pragmatically stepped in to register and provide some humanitarian aid to conflict-driven IDPs, but the lack of a clear national mandate to do this has hindered the Commission's systematic response to IDPs' protection and assistance needs in conflict settings, and collaboration between ministries on the IDP issue also remains challenging. As of November 2024, it was hoped that this situation would be addressed soon through the adoption of an IDP Proclamation aiming to incorporate the Kampala Convention into national legislation, which had been in the making since 2019.

Mexico also lacks a nationally designated focal point to lead the response to internal displacement due to violence, with that leadership currently assumed by several different national agencies and sub-national entities (including victims commissions in some Federal States), taking diffuse IDP response measures that lack overall national coordination. This remains necessary²³⁸ despite positive initiatives taken in this direction by the Interior Ministry that has, for example, created a technical inter-ministerial group at the national level and taken important technical initiatives to support the harmonisation of state-level policy and practice (particularly on IDP normative development and IDP registration).



DRC: Mother of 4 children, including twins born at the Rusait site, 35-year-old Zawadi Mukesha is calling for more assistance, particularly in access to healthcare, to meet the MPOX spread (26 August 2024). © UNHCR/Blaise Sanyila.

In relation to all contexts where roles and responsibility are unclear or overlapping, government participants in the 2023 Cross-Regional Forum emphasised that **it is incumbent on international actors, especially the UN, to engage with governments in a clear and consistent way and avoid projecting internal competition onto their relationships with different ministries or agencies.** It was considered that the strengthened role of UN Resident Coordinators as the UN focal point for internal displacement in-country will hopefully improve support to government-led coordination systems.

It should be noted that some of the countries in the sample have created **standalone institutional arrangements on solutions for IDPs.** For example, in CAR, the 2018 Solutions Strategy established a focal point on IDP solutions (the Strategic Committee for the Return and Reintegration of IDPs and Refugees), including public authorities, IDP and UN representatives.²³⁹ However, the committee has remained inactive in recent years. At the sub-national level, the 2016 DRC Solutions Strategy for North Kivu also provided for a coordination mechanism in that particular province (the Forum for Sustainable Solutions to Population Displacements, ‘FoSoD’) under the leadership of the Governor,²⁴⁰ but this only existed as a temporary measure. Unlike these structures, the Somali Region in Ethiopia operates since 2017 through a Durable Solutions Working Group led by the government of that region and co-chaired by an international agency.²⁴¹

The States of Adamawa, Borno and Yobe in Nigeria have also recently created interinstitutional, multi-stakeholder structures dedicated to durable solutions, at political (Advisory/Steering Committees) and technical level.²⁴² In the context of federal States such as Nigeria and Ethiopia, addressing possible issues around coordination with central level and harmonisation of approaches remains particularly relevant.

Operationalising a whole-of-government approach

A ‘whole-of-government’ approach to internal displacement.

“An important starting point for effective Government action is recognizing that as citizens and residents of a country, IDPs should be the responsibility of all parts of government, from the highest levels of political leadership to local and city authorities and across all relevant ministries. Recognizing displacement as a national priority is essential for delivering responses that promote the full restoration of IDPs’ rights and rebuild trust and confidence with IDPs and host communities.”

High Level Panel on Internal Displacement, Shining a Light on Internal Displacement: A Vision for the Future.

i. Role of ministries and local governments

As emphasised, **addressing internal displacement is a shared responsibility that usually requires the collective efforts** of a range of government offices and agencies at national and sub-national level. Government participants at the 2023 Cross-Regional Forum highlighted that making progress on the IDP agenda at the country level requires internal displacement to be recognised as a national priority by all relevant stakeholders, which requires sustained domestic discussions. One of the biggest risks for any IDP response is indeed the disengagement of government entities other than the institutional IDP focal point.

In most of the countries sampled, responsibilities of other national ministries or entities are usually divided up and coordinated through a sectoral approach.²⁴³ Thus, under the oversight of the IDP focal point, **each ministry or entity has the responsibility for leading the IDP response in its own specialist sector** (e.g. housing, health, education, etc.), including locally via their sub-national offices, and should mainstream IDP issues into its own sectoral frameworks and programmes to make them IDP-inclusive.²⁴⁴

Somalia's national IDP policy offers useful language on the role of other ministries in collaboration with the IDP focal point institution, in its Article 4.3.2: “ (...) With the support of the Ministry of Interior, Federal Affairs and Reconciliation, the responsible ministries shall, in particular:

- **a** – Review their sectoral laws and policies to ensure that they include refugee-returnees and IDPs, and address their particular needs and vulnerabilities; where laws and policies do not cover these populations, they shall be adapted accordingly;
- **b** – Review their planning and programming under sectoral laws and policies to ensure that IDPs and refugee-returnees and are able to access and benefit from such programmes on an equal basis with other Somali citizens; and
- **c** – Integrate the specific needs of refugee-returnees, IDPs and other displacement-affected communities into their sectoral plans, programmes and projects.”

Some IDP laws and policies dedicate some provisions to the role of specific ministries in particular. For example, in recent years, the renewed focus on durable solutions for IDPs at the international and national level has highlighted the important role that Ministries of Planning (or equivalent) can play - and have played in countries such as Colombia and Somalia – in anchoring the issue of internal displacement and durable solutions more closely to countries' development agenda.

A special role for the Ministry of Planning in Somalia

In **Somalia**, the 2019 National Policy on Refugee-Returnees and Internally Displaced Persons identifies the Ministry of Interior, Federal Affairs and Reconciliation, acting through the National Commission for Refugees and IDPs (NCRI), as the lead focal point on IDP matters including solutions. At the same time, the IDP policy also recognises a special role for the Ministry of Planning, Investment and Economic Development (MOPIED) pertaining to solutions. In 2020, in line with the adopted National Durable Solutions Strategy (2020-204), the government established a Durable Solutions Secretariat within the Ministry of Planning to bring together relevant ministries and lead on coordination for durable solutions.²⁴⁵ At the sub-national level, corresponding working groups on durable solutions were also established in several federated states. This national Secretariat has assumed a range of responsibilities closely linked (mostly) to development work,²⁴⁶ in relation to five focused strategic solutions priorities, with benchmarks and provisions for monitoring.²⁴⁷ It has helped in shifting the focus to an area-based approach and fomenting a change in mind-set in partnering government institutions. However, translating this model from paper to practice has faced some challenges, due lack of full clarity around mandates of different government entities, partly overlapping responsibilities, limited government resources and related competition over international funds.

Similarly, the extent to which the role of local governments is defined also varies across instruments.²⁴⁸ Some IDP-specific instruments specifically identify responsibilities for sub-national territorial authorities, as first responders at the field level, for activities across the stages of prevention, assistance and protection and solutions.²⁴⁹ Others describe the role of local governments more generically.²⁵⁰

However, **sub-national authorities in many displacement-affected localities have initiated their own IDP response policies and institutional arrangements** under the umbrella of the national framework.²⁵¹ While displacement is often framed as an unpredictable or temporary phenomenon, local governments have an interest in regular strategic planning processes. Therefore, many local governments integrated their response to IDPs into local development plans (e.g. Provincial Response Plans of the Governorates of Anbar, Diyala, Kirkuk, Salah al-Din in Iraq); they developed local-level durable solutions strategies (e.g. Somali Region of Ethiopia; North Kivu Province of DRC; the States of Adamawa, Borno and Yobe in Nigeria), and proactively established new or amend existing local laws and policies to enable IDPs to fulfil their rights, including in countries that lack core IDP-specific frameworks at the national level.

Country examples

For example in **Mexico**, where a national IDP instrument is still lacking, a piecemeal response has been gradually developing over the past decade.²⁵² But it is at the sub-national level where the IDP response is really developing in practice, as a growing number of Mexican States implement their own IDP laws (already adopted in Chiapas, Guerrero, Sinaloa, Zacatecas) and/or institutional arrangements for responding to internal displacement (including in Chihuahua, Oaxaca, Michoacán and Mexico City). Nonetheless these positive developments, the absence of a national law has had implications for consistency of approach and for coordination, especially with entities at the national level. This has also raised questions within the framework of Mexican administrative concepts of *'competencia concurrente'* about which entities at the different levels should have which specific competences in relation to implementing the IDP response.

This points to the fact that, whilst a national IDP framework does not automatically guarantee more coherence in the response if not effectively implemented, where such frameworks are lacking a patchy and uncoordinated response tends to be the norm.

ii. Interinstitutional coordination

Most countries with an IDP-specific law or policy also establish some kind of national platform for coordinating the horizontal response by the varied ministries and other executive entities in national government (often including national human rights institutions).²⁵³ This is usually organised as an inter-ministerial coordination committee that sits outside the jurisdiction of any particular ministry. In most of these countries, the platform is dedicated specifically to the IDP response but, in some, an existing high level inter-ministerial coordination platform takes on coordination of the IDP response too. As a key part of its remit, the IDP focal point ordinarily chairs the coordination platform at its most senior (often ministerial) level. In a few cases, the platform is formally chaired by the head of State, but the IDP focal point usually retains a key directive role such as technical secretary.²⁵⁴

The formal **integration of sub-national territorial entities into national coordination structures is less evident**. They are represented on horizontal coordination platforms in only a few countries.²⁵⁵ More often, the IDP focal point is tasked with outreach to engage such entities in implementing the domestic IDP framework in those territories²⁵⁶ - this appears most effective where it has local offices in the affected areas. Azerbaijan's State Committee for Affairs of Refugees and Internally Displaced Persons, which serves as the national focal point on IDPs, is a good example. The central office of the Committee, its regional branches, and other entities constitute the unified system of the Committee. While executing the duties and functions stipulated in its regulation, the Committee engages in reciprocal activities with the central and local executive authorities of the Republic of Azerbaijan, local self-governance bodies, as well as with public associations and other legal entities.²⁵⁷

Strengthened coordination for a scaled-up response in Ukraine

In 2023, in response to the significant challenges imposed by the 2022 full-scale invasion, the **Ukraine** government strengthened its coordination of the complex scaled-up response to mass internal displacement through the establishment of a new Coordination Council on IDPs. This exists below the Cabinet of Ministers that previously was the horizontal coordination mechanism in Ukraine. The Council has very broad high-level representation across ministries, regional administrations, international and civil society organizations among others. In 2023 it was meeting on a weekly basis, and it is chaired by the Deputy Prime Minister of Ukraine. The Coordination Council on IDPs aims to improve the coordination of executive authorities working on IDPs, oversees their actions to ensure that the rights and freedoms of IDPs are upheld, conducts analysis of the challenges and identifies methods to address them, and participates in developing draft instruments on IDPs to be submitted to the Cabinet of Ministers. It has also a specific mandate to ensure that the 2023 State Strategy on Internal Displacement is implemented in practice and working to enhance the response to IDP needs and their inclusion.

National IDP-specific instruments may also require sub-national territorial authorities in displacement-affected areas to establish local horizontal coordination platforms for IDP response that replicate those at the national level.²⁵⁸ **Sub-national institutional arrangements can offer important platforms for a coordinated IDP response within the specific sub-national territory, especially when tailored to the particular impacts there.** However, coordination with

entities at the national level (and with other sub-national entities in the localities of displacement or return) can be more sporadic and ad hoc, although this as often appears to reflect deficiencies at the national level rather than on the sub-national institutions. In general, coordination between the central/national and various sub-national levels in the response to conflict-driven internal displacement appears less structured across the sample.

Coordination between national and local levels in Colombia's response to internal displacement

Colombia's official state-led response to internal displacement caused by armed conflict has demonstrated both the challenges and the opportunities for coordination between local, regional and national levels. In its decision in 2004 (*Sentencia T-025*), the Colombian Constitutional Court attributed the lack of fulfilment of rights of those internally displaced in part to problems with coordination between levels of government. The roles and responsibilities of local, regional and national levels in the implementation of the response remained unclear. These were in fact hotly negotiated between levels for years following the decision, with the national level assigning the provision of humanitarian assistance to local governments, and municipalities arguing that they did not have the budgets available for undertaking this responsibility.²⁵⁹

To overcome this impasse, the 2011 Victim's Law established a 'System of Co-responsibility' reaffirming the responsibility of municipalities to provide emergency humanitarian assistance to displaced populations and other victims of the armed conflict.²⁶⁰

This system stems from a principle that the whole of government is responsible for the protection of human rights. However, given the variation in capacity between municipalities (and the recurrent emergencies some municipalities face), its 2015 Strategy of Co-responsibility also explains the process by which municipalities can request support from higher levels of government. The national government enables this through three main mechanisms:

- Outlining a process for municipalities to formulate standardised action plans quantifying needs and budgets for supporting victims, and hence also budgetary gaps,
- Providing joint funding opportunities for municipalities most in need of support, and
- Establishing a specialised office within the Victim's Unit, the national-level agency responsible for the overall coordination of the response, to give trainings and technical advice to municipalities to help them develop their action plans.

This system provides a compromise which respects local autonomy as municipalities develop local action plans according to their local context.²⁶¹ Local Committees for Transitional Justice, bringing civil society organisations, victims advocacy groups, and service providers together with municipal actors, have the authority to approve the local plans and monitor their implementation.

As municipalities complete these plans annually, these also feed into national reporting systems, which helps to assess overall progress in the response. However, the articulation between these local action plans and local development plans remains a challenge.²⁶² It has proven difficult for municipalities to generate sufficient funding to shift from providing humanitarian assistance to newly displaced populations towards development-oriented programming such as housing support, income generation activities and programmes to support social cohesion to help those living in displacement for years to rise above the vulnerabilities that displacement has caused. In the context of a renewed focus on solutions promoted by the UN SG's Special Adviser on Solutions, as of July 2024 municipal planning processes were being piloted in seven urban centres while a new CONPES document was being developed, for solutions investments to be embedded into local development plans.



Colombia: Afro-Colombian children at a boxing practice day in La Sierra neighbourhood, Medellín. Many of them and their families are internally displaced (21 December 2023). © UNHCR/Luisa De la Espriella.

iii. Funding the implementation

IDP laws and policies in several of the countries sampled provide specifically for resourcing of the activities required to implement these frameworks.²⁶³ In many cases, this involves the **creation of a dedicated national fund or funds** dedicated to the implementation of the framework,²⁶⁴ which are usually under the control of the IDP focal point institution, but from which other national entities can potentially receive resources too. The resourcing of such 'IDP funds' is usually envisaged as coming from a mix of central government budgets, loans and donations from international entities, sometimes with contributions also from local territorial entities. In Ukraine, the IDP law expressly affirms that the foreign State which is responsible for military aggression in its territory is legally liable to compensate the direct costs of people who are internally displaced as a result and for the costs to Ukraine of receiving and resettling these IDPs.²⁶⁵ Colombian law similarly envisages that resources from demobilised non-State armed groups should be added to the fund to provide reparations to their victims.²⁶⁶

In line with the 'whole-of-government' approach, some IDP laws and policies also indicate that **the existence of specific funds does not exempt national and sub-national institutions involved in the IDP response from dedicating the necessary resources** for the implementation of actions in support of IDPs within their sectoral competences, through relevant budget lines and funds.²⁶⁷ This is also the approach generally taken by countries that do not create a specific fund,²⁶⁸ and it is an approach which facilitates the mobilisation of development financing to prevent and address internal displacement.

Often, the time-limited IDP and emergency response strategies are costed by national governments in relation to each specific sector, with the resources expected from central budgets and international donors and partners. Similarly, the UN SG's Special Adviser on Solutions has also been promoting the adoption of costed action plans for durable solutions; those adopted by the Nigerian States of Adamawa, Borno and Yobe in May 2024 offer a good example.

He also highlighted on several occasions **that development financing, which is often required to address particularly protracted displacement situations, can only be mobilised to support government priorities**; the adoption of IDP-specific frameworks and inclusion of displacement in development plans can be essential to signal the government's intention to prioritise the issue. For example in Nigeria, the World Bank included the state-level domestication of the national IDP policy as one of the criteria for federated states to receive specific funding; in July 2024, Yobe State was the first one to adopt a state policy on IDPs in line with the national one, complementing its state Durable Solutions Action Plan.

In practice, **domestic budgeting for IDP response tends to be quite opaque**. It is generally difficult to determine what is being spent on the IDP response and where, as well as what comes from State funds and where they have been supplemented by funding from other sources. Nonetheless, as a general impression, it seems that funding for IDP response in middle-income countries with stronger domestic institutional and budgeting capacity (e.g. Azerbaijan, Colombia, Georgia, Ukraine and Mexico) is often integrated into some kind of domestic budgetary processes and the main aspects of the IDP response through time appear to be primarily financed by the State itself, with international funding and assistance playing a largely complementary role.²⁶⁹ In principle at least, the State in these countries should have more of its own financial resources to invest in the institutions and actions that domestic IDP instruments require for responding to internal displacement. In tandem, the national economies of these countries may also offer better livelihood options and economic reintegration opportunities for IDPs. Conversely, in low-income countries (e.g. Afghanistan, CAR, DRC, Niger, Somalia, Yemen), domestic budgeting seems more inconsistent generally, and even key institutional aspects of the State's IDP response appear to be funded primarily by international agencies and private donors. In some of these countries, partly due to the prevalence of international funding, the allocation of resources to different aspects of the IDP response appears unreliable from one year to the next.

Conflict is of course an additional drain on a State's available resources. Moreover, the nature of the conflict and resulting displacement also has important implications for IDP response capacity. At one end of the spectrum are short or frozen conflicts in particular parts of the country that produce a small number of bursts of displacement (e.g. Azerbaijan, Georgia, Ukraine before 2022). The destructive effects of these conflicts are relatively restricted and the IDP population is a fixed and known quantity. At the other end of the spectrum are protracted 'hot' high-intensity conflicts that have displaced significant numbers of people on a continuous basis year-after-year, sometimes across almost the territory (e.g. Afghanistan, CAR, Niger, Nigeria, Somalia, Yemen). In these resource-depleted settings, a large and shifting universe of IDPs exists. **The extent to which these different kinds of conflicts sap State resources varies. But so too does the scale and character of the resulting displacement challenge** to which the State budget and other resources must be stretched to respond. For example, the nature and scope of the IDP crisis in Azerbaijan implies a very different level of resourcing than is needed to address the IDP situation in Somalia.²⁷⁰

In Ukraine, the massive scale of sudden displacement after the Russian invasion in 2022 initially risked overwhelming the relatively robust national system for IDP response, not least as officials (and the staff of humanitarian agencies) were displaced or drafted to fight.²⁷¹ Even in a middle-income country such as Colombia, after 20 years of monitoring of the government IDP response by the Constitutional Court, the magnitude of displacement (and its ongoing nature) along with constraints on the national budget mean that progress on certain aspects of its IDP response have been slow (e.g. housing, income generation, administrative reparations). Thus, the financial capacity to implement domestic IDP instruments turns not only on the relative wealth of countries but also the kind of conflict (and how much it saps the resource base in the country) and the resulting displacement (and how big a problem must be addressed by the IDP response). How quickly the dynamics of displacement shift within a conflict-affected country also has implications for State capacity, since quickly shifting dynamics are likely to require the capacity to mount a flexible response and use different tools.

This also underscores the critical role of the central level in guiding policy and transferring resources to the local level.

Particularly in scenarios of large-scale population movement, public investment planning becomes distorted, as services like education and health are designed for a sedentary population, leading to significant imbalances in these sectors. The central level of the State must adjust to ensure resources follow the movement of inhabitants, as state services in certain areas may no longer be demanded due to population absence, or by the collapse of services offered due to excessive demand in arrival areas. Central levels must correct these distortions while providing criteria to ensure a predictable and relatively homogeneous response by territorial entities.²⁷² Although this remains an important challenge in many of the countries sampled, governments' increased efforts to include displacement in official statistics and local development planning can be essential.

Certainly, if comprehensive IDP response frameworks are promoted as an important element of the structural response to internal displacement in a country affected by conflict or generalised violence, we need to recognise that it is unrealistic to expect that resources will be available for all of the provisions will be fully implemented immediately and in one go. Some laws, such as those in Honduras and Colombia (from which the former probably takes inspiration), clearly articulate the **requirement of financial 'sustainability'** among the overarching principles governing implementation of the law. This is achieved, in part, through the operation of other governing principles, such as 'progressiveness' (i.e. being oriented towards achieving the full enjoyment of rights, albeit with certain minimum rights always guaranteed)²⁷³ and the **need for prioritisation** discussed in the first chapter.

Progressive implementation in Honduras

As an example of progressive implementation, budgeting for the implementation of the new IDP law in **Honduras** is to be done in stages according to priority institutional needs, so that the requisite institutional capacities within national and sub-national government can be scaled up gradually over time. Limited financial resources also mean that the 2023 IDP law requires the government to implement it by pragmatically directing those resources in a priority fashion to the territories with the highest levels of displacements or arrivals, establishing an order based on the zones with greatest necessities and prioritising the actions needed on the basis of objective criteria.²⁷⁴



Honduras: Community art workshop (19 May 2023).
© UNHCR/Santiago Escobar-Jaramillo.

Finally, experience in sampled **countries with multiple waves of displacement** (e.g. CAR, DRC, Ethiopia, Iraq, Somalia, Yemen) also shows the impact of the challenge of prioritisation, even when in principle all IDPs fall under the definition included in existing IDP instruments. As a result, there is often **a risk that ‘legacy’ caseloads remain overlooked as new crises emerge and draw away humanitarian attention, capacity and funding in the IDP response.** This, for example, is an issue in Iraq for the legacy caseload of people who were displaced by episodes of conflict and violence prior to the Da’esh crisis in 2014.

In tandem, although the post-2014 IDP caseload has mostly returned home, a residual caseload of these IDPs remains as complex cases for whom solutions are more elusive. At least among international entities, the focus has shifted to their situation and to other protection concerns that could not be prioritised earlier in the response due to the magnitude of the crisis and the need to deal with basic humanitarian assistance. As priorities will shift with time, international entities may have a particularly useful role to play in these stages in focusing on the situation of ‘hard’ cases which the State lacks the will and/or capacity to resolve.

iv. Institutional and technical capacity

Capacity, though, is not only about the resourcing of the State institutions involved in the IDP response. As previously noted, the strength and focus of the institutions themselves is also an important factor. **Technical expertise in dealing with internal displacement, broadly, is an important aspect of capacity for implementing the IDP response. This is clearly a prerequisite for specialised institutional focal points.** Their staff should be trained on IDP issues, in particular on the Guiding Principles on Internal Displacement and how to operationalize them in practice.

However, a level of capacity matters also across the other institutions with a role in IDP response to ensure that considerations around internal displacement are mainstreamed into the internal policy and operational approaches taken by these sectoral specialists. This could take the form of a focal point person or small group within each institution, depending on the scope of its role. For instance, in Colombia, most of the national ministries have one or more specialist point persons on issues of internal displacement, as do many of the larger territorial entities. Some have a dedicated specialist unit on internal displacement, including within the national human rights institutions.²⁷⁵ The people who are appointed across different ministries to join interinstitutional coordination structures, such as the Inter-Institutional Commission on the Protection of People Forcibly Displaced by Violence in Honduras, are also usually expected to possess or acquire specialist technical capacity on internal displacement.

A role for training by governments and international partners exists where such technical capacity with national or sub-national institutions needs strengthening.²⁷⁶

Peer-to-peer learning between States

As an example of learning between countries, the Honduran government engaged considerably with the Colombian experience when designing a registry and procedure for protecting abandoned property, as a first step towards addressing a key problem related to internal displacement even before a core IDP instrument had been developed.²⁷⁷ Likewise, in developing its IDP response, Ukraine also learned from the experience of Georgia and other countries within the region in addressing a situation of conflict and internal displacement with certain broadly similar features.

Such learning between countries is also facilitated under regional and global initiatives and forums such as the 'MIRPS'²⁷⁸ Working Group on Internal Displacement, or the Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement. The latter was a week-long exchange among government officials from multiple regions of the world co-organised in 2023 by UNHCR, the Special Rapporteur on the human rights of IDPs and the Sanremo IHL Institute and benefited from the high-level support of the IDP Protection Expert Group (IPEG).

The way in which such State institutions work also impacts on implementation of domestic IDP instruments, even in countries with relatively strong institutions. For instance, in some countries, posts in national or sub-national government institutions are allocated to people connected to the political leadership in power.

Every time the corresponding political administration changes, existing staff are cleared out with the risk that existing institutional capacity, technical expertise and continuity in the IDP response are lost. In other countries, different ministries within the national bureaucracy end up being placed under the control of opposing political factions. The resulting rivalry between ministries has the potential to undermine the overall capacity of the State to provide a coherent response to issues such as internal displacement.

In some countries, serious institutional fragility poses its own dilemmas that go beyond just a lack of institutional capacity to provide services to the local population, including IDPs. Some governments have shown considerable willingness to engage with the IDP issue, but their institutions remain fragile, with weak capacity and scarce resources across sectors. There are also real differences in general institutional capacity between regions or municipalities within a country. This can impact significantly on the response to internal displacement at the local level. Certain IDP frameworks require a complex set of structures and procedures to be established by any sub-national territorial authority mounting a response to internal displacement, including on different priority aspects of the issue; this approach may be broadly feasible in regional capitals and larger urban centres in better-resourced regions of a country; but the smallest and most resource-poor, with weaker institutional structures and substantial competing needs, may simply not be capable of taking the required steps. This speaks to the importance of flexible approaches, designed through consultative processes that involve local governments as decision-makers from the beginning.

It is international entities that have supplemented the shortcomings in State capacity the most. The relative scale of international engagement on IDP issues in some of these countries is such that they are effectively a key driver of the IDP response. A fuller assessment of the practice of international entities is beyond the scope of this report.



Somalia: UNHCR distributes Non-Food Items to drought-affected Internally Displaced Persons in Baidoa (4 April 2022). © African Volunteers for Relief and Development.

However, **in some countries, the effectiveness of the State response to internal displacement will be difficult to disentangle from questions about how the international community engages with, and supports, institutions of the State.** Many IDP-specific instruments refer to coordination with international organisations. However, only a few countries give international entities a place on the national coordination platform for the IDP response, mostly in cases where their national platform includes both State and civil society institutions,²⁷⁹ or where a separate national platform for civil society engagement has been created parallel to the main inter-ministerial one.²⁸⁰ Some IDP instruments direct State entities to liaise with international entities in the IDP response,²⁸¹ and many reiterate the applicability of general principles concerning cooperation with such

international entities, such as guaranteeing access, not diverting aid, respecting personnel and the responsibilities of international agencies.²⁸² It is evident that these instruments envisage cooperation primarily with international entities of a humanitarian character; although a few also acknowledge the potential for engagement with international development actors.²⁸³ Indeed, in Nigeria, each ministry sectoral lead is paired within a pertinent international co-lead.²⁸⁴ In most countries, though, cooperation with international entities takes place principally through coordination structures that the latter establish, such as sectoral humanitarian ‘clusters’. State entities participate in some of these groups but, ultimately, they are led by international entities and tend to reflect their priorities.

A ‘whole-of-society’ approach: civil society, private sector and IDPs

Government participants at the *Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement* all recognised the importance of adopting a ‘whole-of-society approach’, which – it was felt - does not require a specific definition, but is best understood as a concept that involves engaging different stakeholders and building trust and legitimacy, as a means to rebuild social cohesion and the social contract, promoting the rights of IDPs. Different countries adopted diverse approaches, with varying levels of success and challenges in ensuring meaningful participation and engagement from different stakeholders.²⁸⁵

The role played by national civil society in the IDP response is recognised by core IDP instruments in several countries. However, civil society is not always accorded a formal role within the institutional arrangements for the IDP response. Instead, some countries such as Somalia exhort civil society organisations ‘to coordinate their activities in support of [IDPs] and through their programmes and activities support the principles contained in this policy’.²⁸⁶ By contrast, other countries formally allocate civil society organisations a participatory role on the national horizontal coordination platform²⁸⁷ or a parallel national platform for civil society.²⁸⁸

The untapped role of the private sector in relation to internal displacement has also been increasingly recognised by individual states and the international community²⁸⁹ alike, though it is not explicitly mentioned in the IDP-specific frameworks examined in countries sampled. Participants at the Forum highlighted the possibility of engaging the private sector, not just as donors, but through public-private partnerships and providing incentives for involvement in areas of displacement and returns, such as through tax deductions.

Finally, many countries affirm that IDPs must be actively consulted or involved in the design, implementation and evaluation of IDP interventions. Not all of these countries create formal structures for IDP participation. Examples of promoting the meaningful participation and inclusion of IDPs themselves included:

- Institutionalization of systems for IDP participation throughout the entire cycle of public policy issues to

address internal displacement, including its design, discussion, approval, and implementation – such as through the establishment of: 1) “Participation Tables” from local to national levels in Colombia, with criteria also ensuring inclusion and representation of persons with disabilities, elderly and members of the LGBT community among others;²⁹⁰ 2) local IDP Councils in Ukraine, for displaced people to engage meaningfully in the development and implementation of local policies and self-governance.²⁹¹

- Establishing an IDP volunteers’ network, with volunteers from various regions of the country, to facilitate the involvement of internally displaced persons in matters of public concern. The network enables displaced individuals to actively participate in shaping and executing policies, thereby promoting community-centred strategies (e.g. UNHCR-supported network in Georgia).



Ukraine: Internally displaced volunteers help others at Odesa humanitarian hub. The hub has been in operation since March 2022 and has 87 volunteers working on a permanent basis, 64 of whom are IDPs. The eldest volunteer is 72, and the youngest is 14 (31 January 2024). © UNHCR/Denys Kovalskyi.

Political willingness

The 2022 Global Report on Law and Policy on Internal Displacement provides insight into the factors that influence the willingness of governments to adopt domestic IDP instruments in the first place. In most cases, governments adopting such instruments explain them as a response to the humanitarian consequences of internal displacement and the situation of IDPs. No doubt this equally constitutes a powerful motivation for governments to implement those frameworks in practice. However, in any setting in which internal displacement occurs (especially on a large scale), the standards established by domestic IDP instruments will usually require positive action of some kind by State institutions in order to implement them, whether this is to enforce negative guarantees on third parties (e.g. prevention of displacement) or positive obligations on the State (e.g. assistance of IDPs). They thus coexist with other government priorities for action, with which they may compete for resources – this can be especially acute in conflict contexts, where resources are scarcer and security takes on heightened significance for the State. The willingness and capacity to implement domestic IDP instruments in practice is thus often a question of the relative priority given to resourcing and promoting action by State institutions on this issue as compared with others. The sections below provide a more detailed analysis on the following topics:

- Political incentives and willingness,
- Political willingness as changeable,
- Political willingness as not monolithic,
- Political willingness and how the response is implemented,
- The interplay between willingness and capacity,
- Role of other actors in shaping willingness and capacity.

i. Political incentives and willingness

A high level of willingness to both adopt and implement domestic IDP frameworks can be seen, for example, in countries where the IDP issue resonates with the government not only for humanitarian reasons but on other political grounds too.

This is particularly evident in Azerbaijan, where the territorial conflict with Armenia has given the government a strong political incentive for recognising and responding to the resulting internal displacement as a way of maintaining its claims over Karabakh. A similar approach is taken by Georgia, where the IDP issues is consistently high on the political agenda despite changes in government. Likewise, in the Ukraine conflict, the importance to the central government of recognising and addressing the situation of IDPs is sustained over time by its critical role in maintaining the State's territorial claims over regions that have been occupied by Russia. This is not to downplay the role of humanitarian concerns on the part of any of these governments for the position of IDPs. Rather, it is to emphasise that the will of the central government to respond to those IDP situations is underpinned also by other long-term political considerations fundamental to the State.

In other countries in the sample where the domestic IDP instruments have been implemented less consistently, these kinds of powerful domestic political interests in the IDP issue are often less easy to discern. Indeed, several of these countries have reportedly adopted domestic IDP instruments primarily as a goodwill gesture to international partners. In some countries, this appears to be driven by a political interest in ensuring that international agencies continue to bring resources to invest in the government institutions involved in the IDP response. The limits of this kind of willingness are made evident when such funding is scaled back.

Nonetheless, the development of a law or policy in itself, as an act of sovereignty, can help a government understand that responding to internal displacement is a responsibility that it must assume first and foremost, and not the international community. For instance, in Niger, the new IDP law reportedly helped to generate a sense, among some authorities, that they have an important role to play. In some countries, the low level of domestic political interest in the IDP issue within the national government has contributed to the absence of a national IDP framework. For example, in DRC, despite longstanding debate and a draft law on the books since 2014, there has been a lack of interest in approving it over the years.

Similarly, a draft law has been on the table since 2014 in CAR. In part, the failure of the government to adopt this law may reflect the fact that IDPs are not a high priority for the government; but it also reflects a wider lack of capacity within national government to develop laws and policies. This is not only an issue of technical support but also a result of political instability associated with frequent changes of government. This halts progress and the regular changes of priorities and personnel in government provide an insecure basis for finalising legislative or policy projects. Political unwillingness or inability to adopt a domestic framework on internal displacement can thus also carry through into an uncoordinated and ad hoc response to the IDP issue in practice.

International and regional politics may also play out in the willingness of countries to become parties to multilateral treaties on internal displacement, such as the 2006 ICGLR IDP Protocol and the 2009 Kampala Convention. For instance, the increasingly large number of countries becoming parties to one or both of these African IDP treaties is an encouraging sign of the political willingness of these governments to acknowledge the issue on the international stage and even assume wide-ranging treaty commitments to other States in the region. At the same time, the

evidence that this international engagement has led those same States parties to adopt domestic IDP instruments is somewhat patchier. In the sample, all five African States are longstanding parties to one or other of these regional IDP treaties, but among them, only Niger completed the process of domestication of the Kampala Convention,²⁹² having adopted its IDP law in 2018 and an implementing decree in 2020.

ii. Political willingness as changeable

However, just as politics can shift over time, the disposition of governments towards implementing domestic IDP frameworks can change too with wider circumstances. Indeed, **short-term political calculations can change relatively rapidly as one government goes and a new one arrives.** Having the domestic IDP instrument in the form of a law may raise the political costs of a new political regime retracting the domestic IDP framework. This has not been seen in the countries sampled; the more likely scenario is that a government for which IDP response is a lesser priority will simply ignore its implementation or scale it back. For this reason, civil society and the courts (as well as international institutions) can often play a crucial role in stimulating and sustaining government willingness to implement IDP responses over time.



DRC: Biometric registration of IDPs was introduced in response to M23 crisis (07 August 2023). © UNHCR/Blaise Sanyila.

But a shift in politics may also underpin new political incentives to implement IDP instruments.

For instance, in Colombia, an IDP framework which successive governments had implemented well with significant oversight by the courts was replaced in 2011 with an IDP-inclusive law giving reparations to victims of the conflict. This law was a main plank for the national peace process pursued by the government with one of the major non-state armed groups in the country. Dealing with the IDP issue (and in a novel way) became a top political priority for the government, which carried through into implementation of this law. The legal form of the framework has helped to ensure that has continued to be implemented by successive governments. This illustrates also how peace negotiations can be a political incentive for governments to implement IDP instruments. In Ukraine, whilst a legal and institutional response had existed since 2014, the scale up of the armed conflict in 2022 almost immediately generated a higher political profile for IDPs. This translated into strong new institutional arrangements for coordination at the national and oblast levels, along with rapid legal and policy revisions (some of which had been pending for years, e.g. pensions, housing) to improve IDP assistance and protection. In this case, the shift in politics reflected the new war footing rather than the prospect of peace.

iii. Political willingness as not monolithic

It is important also to recognise that **governments are not monolithic**. Even in countries with well-established domestic frameworks and institutional arrangements for the IDP response, **some central government ministries or agencies may be more willing than others to implement these duties towards IDPs**. This variation can reflect deep-seated institutional cultures or interests within different ministries or parts of government. Variation between central government entities in the degree of buy-in to IDP issues can equally reflect the vagaries of inter-ministerial politics, the personalities in key leadership roles and wider short-term incentives for particular institutions. **Competition between institutions with different mandates and different agendas is a real challenge** in many IDP contexts.

It often acts as an obstacle to the creation of a domestic IDP framework, given the difficulty in building consensus on which institution should be the focal point,²⁹³ but even when adopted, such disputes may continue. In countries where different drivers of displacement coexist, particularly disasters and conflict, this issue often plays out as competition between disaster management agencies (that already have responsibilities for the emergency response in situation of disasters) and others (whether an already existing one, e.g. refugee commissions that expand their work to IDPs, or one newly created in the context of conflict). At the outset, identifying and **working with those government entities most willing to engage can provide an entry point for recognition of the IDP issue and the mounting of a response**. **However**, it is important that international partners do not end up working with only those entities and neglecting others whose engagement is needed to implement core aspects of the IDP response. **It is crucial that IDP issues are seen as a shared agenda across the national government and not merely the responsibility of the focal point institution**.

Degree of willingness can also differ between national and sub-national levels of government. In some contexts, whilst there is considerable interest on the part of central government in implementing domestic IDP frameworks, this is not reflected at the sub-national level. This can be due to different interests and priorities at the sub-national level generally or in the case of territorial authorities in particular regions. **An overly centralised State response to IDPs also has the potential to disincentivise sub-national territorial entities from taking ownership of IDP concerns at the local level**. In Georgia, for example, the response to IDPs is highly centralised within a national ministry. This is most likely due to the fact that IDPs from the occupied territories are high on the political agenda as an issue of international relations. Despite wider processes of decentralisation within the country, there appears to be a perception that IDPs are a responsibility of the national government, which has contributed to a hands-off attitude by many municipalities, even those with relatively sizeable IDP populations. However, they retain responsibility for local infrastructure and IDPs have access to such infrastructure in the same way as other citizens and residents.

Nonetheless, over time, IDP communities have grown stronger in demanding greater attention to IDP issues by the municipalities, which has pushed some municipalities to take up specific interest in responding to the needs of IDPs. This has been facilitated by the strength of IDP NGOs in Georgia that work with the grassroots level and with smaller civil society organisations. **A focal point institution that is politically strong, and with good participatory structures, thus appears key** to addressing these kinds of challenges around willingness.

Similarly, particularly where the central government response to internal displacement is weak or non-existent, **sub-national governments have often shown greater willingness to take action** (see previous section). Local politics are extremely diverse within most countries. Nonetheless, one interest that sub-national governments may have in taking practical action is that they are often the entities faced with responding to the arrival of IDPs in the locality and the immediate consequences of internal displacement. The IDP frameworks and response systems established by certain federated States in Mexico are a good example of that. In Ethiopia, by contrast, the sub-national IDP frameworks adopted by the Somali region are due not only to the leadership at the highest level in the local authorities and the fact that it was the region hosting the greatest number of IDPs at the time. Their adoption also reflected the presence on the ground in that region of a relatively large number of international entities, which pushed for an IDP response locally and promised resources and support, as well as the efforts of an active local civil society. These factors were absent from other regions of Ethiopia hosting conflict-driven IDPs, where the IDP response at the sub-national level has been negligible. Similar dynamics are visible in Nigeria, where the states with stronger IDP responses by authorities are also those with larger presence of international actors on the ground (e.g. Adamawa, Borno and Yobe), while there is no international presence in other areas affected by displacement (e.g. Benue state), which has also had an impact on the willingness of the competent authorities to prioritise the issue. In the CAR, local administrations in some urban areas have also been generous in giving plots of land to IDPs for temporary houses to be built, although such activities have remained ad hoc and piecemeal.

iv. Political willingness and how the response is implemented

Willingness is relevant not only to whether a government implements an IDP response but also how that response is implemented. The political factors that underpin willingness have the potential to shape this implementation of the IDP response in a number of crucial ways. In some countries, they are reflected on the face of the IDP framework itself (see section 2). In others, they are absent from the formal IDP framework but present in its practical implementation. The precise nature of these political factors tends to be highly contextual, i.e. they are usually rooted in the particularities of each national and/or sub-national context. Nonetheless, across the range of countries sampled, it is possible to identify a number of tendencies in how these factors of political will end up shaping implementation of the IDP response generally or in relation to particular sectors or themes. These examples illustrate particular points where the national response to IDPs is likely to encounter major obstacles, regardless of the existence of a formal framework and institutional structures for IDP response and heedless of any wider resourcing or capacity issues (which may, of course, exacerbate the difficulties too). They will require careful contextual negotiation in any setting where conflict or similar situations of violence produce internal displacement.

In many conflict-affected countries, suspicion towards IDPs still exists within governments, even those that have created an IDP response. The existence of IDPs is usually politically inconvenient, a visible symbol of war and failure of government authority. They can be used to point to the abuses of the opposing side, but that is a political game at which two can play. They may also be dismissed as ‘merely’ opportunistic economic migrants. The willingness to implement IDP frameworks will thus sometimes be coloured by these concerns within government, whether generally or merely on the part of certain officials. In tandem, many national IDP frameworks are implemented generally in a way that expressly excludes or marginalises some specific sub-sector(s) of the IDP population.



Ethiopia (22 November 2022): Internally displaced families find shelter at Haya Suftu camp. © UNHCR/Tiksa Negeri.

The scope of the marginalised group(s) often reflects underlying politics of the conflict. For instance, in Yemen, there are reports that IDPs originated from areas in the north of the country, including those controlled by the *de facto* government, may encounter difficulties in accessing assistance provided in regions controlled by the Internationally Recognised Government in the south of the country due to their perceived association with the opposite conflicting party.²⁹⁴ In Colombia, for a certain time, the government was unwilling to register IDPs who claimed to have been displaced by military action by the State.²⁹⁵ In addition, sometimes, the excluded groups are based not only the dynamics of the conflict but also on wider patterns of societal exclusion (e.g. Roma and other minorities). A wider issue is whether countries dealing with conflict-driven displacement are also willing to address disaster-driven displacement. In contexts where particular groups of IDPs are excluded in practice, a main protection advocacy and practice role of the international community should relate to these groups.

Specific aspects of national IDP response frameworks may also be particularly politicised in ways that shape the willingness of government institutions to implement them. For example, the ownership and (re)distribution of lands is often intensely politicised in low- and middle-income countries with a strong agrarian base. In many of the countries sampled here, this issue is also connected directly or indirectly with the rationale and *modus operandi* of conflict and violence, this making it an issue of extreme political sensitivity. Clearly, national frameworks may endorse access to housing, land and property mechanisms for IDPs and even propose the distribution of new lands to IDPs. However, specifically in relation to lands, these actions will cut across a range of acute political interests that extend beyond merely the IDP response. Willingness to implement such mechanisms for IDPs will thus be structured by the often complex and protracted interplay of these competing and opposing wider interests within government and society. Such considerations will also likely impact on efforts to legalise land titles for IDPs in the areas where they have arrived, including where these are in urban areas. Somalia, for example, has explored how land value sharing options might leverage access to lands for IDPs.



Democratic Republic of the Congo:
DPs walk back to Plain Savo
(28 March 2022). © UNHCR/Hélène Caux.

A different kind of political issue arises in relation to the location where solutions are accessed. In many low- and middle-income countries, governments tend to be concerned about the rate of migration to cities and the growth of informal settlements on urban peripheries where poverty is often highly visible. As a result, there is a political incentive to dissuade IDPs from accessing solutions there. In tandem, the policy focus on returns that this report explored in the previous chapter also shapes government unwillingness to support other solutions in practice. On the basis of similar sensitivities, for example, the implementation of local integration in parts of Yemen even in urban areas is only done slowly and on a small-scale by the local authorities, with the support of the humanitarian and development community when feasible. However, this is especially difficult in areas where the prospect of changing local customs and demography is politically sensitive, as much depends on the place of origin of the IDPs and the degree of tribal and other links with the host population. At the same time, the economic situation also plays a significant role in the capacity of local authorities and IDPs to advance towards local integration.

v. The interplay between capacity and political willingness

Political factors are not the only ones to influence the willingness of governments (or entities within them) to implement IDP frameworks. Financial and institutional factors can also affect willingness. For example, concerns about cost may mean governments are unwilling to assume the commitment of implementing a national IDP response, or least certain parts of it. For this reason, Honduras carried out a detailed costing exercise to see how much it would cost to implement at least the humanitarian part of the proposed national IDP law before its adoption. Likewise, concerns about the extent to which the State apparatus, or particular institutions within it, has the capacity to address IDP needs can play into calculations about the willingness to engage. In these scenarios, willingness and capacity are not easy to disentangle as obstacles to the implementation of IDPs frameworks. **In general, prioritisation and progressive implementation may be ways to address political unwillingness linked to a general lack of financial or institutional capacity.**

Conversely, in practice, it is clear that **willingness alone is rarely enough to effectively implement an IDP response if capacity or resources are seriously lacking.** For example, in Niger, the early warning system provided for by the IDP law does not yet exist in practice, largely due to resource constraints. In the meantime, though, the traditional system for early warning is being used informally by the State – this involves the channelling of identified risks and warnings from village level via chiefs up through the different layers of sub-national government all the way to the national level, where appropriate action can then be ordered if possible. Such examples suggest that **the use of such existing institutional infrastructure for IDP response purposes may offer a viable solution to the challenge of inadequate resources** in contexts where the State institutions are willing to implement the response to internal displacement. In general, the specific vulnerabilities of IDPs mean that their situation may need to be addressed through targeted IDP-specific interventions, but also through being integrated into existing policies and programmes not specific to IDPs. Thus, **even where resources are lacking for IDP-specific interventions, more needs to be done to identify and pursue any existing opportunities to better integrate IDPs in these wider interventions.**

Finally, **national courts have the potential to play a vital role in improving implementation of the IDP response.**²⁹⁶ However, this depends on whether national courts in the particular country have the legal capacity to rule not only on issues of legal compliance in individual cases but also to address structural failings underpinning any non-compliance. The relative institutional capacity of the courts, and the respect for the rule of law more generally among other State institutions, is also crucial. Colombia aside, among the countries in the sample, most of the judgments on IDP matters by higher courts at the national level have taken place in countries with a similarly well-developed legal and judicial apparatus (e.g. Azerbaijan, Mexico, Ukraine). Indeed, these examples suggest that the courts are most likely to be a potential mechanism for enforcing the rights of IDPs or improving the IDP response in countries with stronger rule of law and where access to State assistance is individual legalistic in approach.

One might expect that courts will be more tempted to rule on cases where the issue for IDPs engages clear legal rights (e.g. equality of access) and less so where it concerns matters of public policy that are essentially about the distribution (or lack) of resources.

Indeed, the Constitutional Court of Colombia was able to address the latter only because of the accumulation of cases where the legal rights of IDPs under national law were being infringed as a result of policy.

Capacity in areas outside government control

Another serious challenge to the capacity of State institutions to implement an IDP response in practice is where a government does not exercise effective control over all parts of the country. This is the case in most conflict situations and reflected in almost every one of the countries sampled here. However, there are a range of scenarios. For instance, in some cases, the area is under the control of a *de facto* authority. Some *de facto* authorities have set up their own parallel structures to respond to IDP issues, effectively using existing institutional bases in those areas. Generally, there appears to be little contact between the State institutions involved in IDP response and the *de facto* authorities. Some kinds of well-established *de facto* authorities may have the willingness and capacity to implement an IDP response comparable to that of a government. For example, in Yemen, the Internationally Recognised Government is confined to the south of the country and some parts of the north but lacks access to the most populated locations in the north, including for the purposes of an IDP response. However, in the north of the country, the *de facto* authorities have established their own institutional structures for an IDP response that mirror those in the Internationally Recognised Government areas. This includes a focal point institution, the Supreme Council for the Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA), that serves to coordinate the response to IDPs with other shadow ministries and local authorities. That institution has shown considerable initiative in piloting the use of community-based protection structures for identifying and registering IDPs and their specific needs at the local level. This work has been supported by the international community. SCMCHA carries authority over other entities and is able to implement decisions, when taken.

Learning from experience: key takeaways

A core national framework on internal displacement must identify the institutional structures through which the IDP response is to be implemented. Their specific form will depend on the wider governmental set up of the particular country within which they are located. But the absence of a core national framework specific to IDPs, or a lack of clarity in it as to implementation responsibilities, almost guarantees confusion and fragmentation in the response to displacement in contexts of conflict and violence. At least in the countries in the sample, this appears to be the case

even where sub-national authorities step in to create their own frameworks and structures where no core national framework exists.

One and only one focal point institution must be clearly identified to lead the national IDP response.

Where it is not, implementation tends to be disjointed at the national level. Law and policy play a key role in bringing clarity to this issue. Countries vary as to where the focal point is located in the wider institutional apparatus of the State, whether it is newly-created or attributed to an existing entity, whether it has primarily a coordination role or is the main operational actor, and whether it has a wider remit than just IDP issues.

But, as IDP issues can be heavily politicised and resource-intensive, it needs sufficient institutional ranking and stability to carry this agenda across government and will benefit from direct reporting to the highest political levels.

An effective IDP response rests on a shared whole-of-government approach. Core frameworks must clearly attribute responsibilities to other national ministries/agencies and sub-national territorial entities. This emphasises that the focal point exercises a leadership and coordination function but not exclusive responsibility for implementing all aspects of the IDP response, which requires the specific sectoral and territorial capacities brought by other institutions. As well as setting out the scope of respective responsibilities in the IDP response, core IDP instruments can usefully establish the necessary platforms for both horizontal and vertical coordination led by the focal point.

Core and supplementary national frameworks should also include provisions on internal displacement data, providing clarity on the purposes for which data will be gathered and the systems for collecting, analysing, storing and sharing data. **IDP-specific interventions also require dedicated funding streams or sources.** This can be usefully identified in core or supplementary IDP frameworks. In tandem, IDP-inclusive interventions aim to draw on wider funding streams, ensuring that they benefit needs related to internal displacement without significantly raising the overall cost. This might offer an alternative to dedicated funding for IDP-specific interventions or a complementary source. However, in contexts of protracted armed conflict or generalised violence, any sources of State funding are likely to face significant pressures, especially if displacement levels are high. Alternative strategies and funders may be useful.

Across this study, **prioritisation emerges as a key strategy for addressing limited financial capacity (and political will).** In implementing the standards of the core IDP instruments, prioritisation can privilege the needs of the most vulnerable IDPs (e.g. Ukraine, Yemen) or the territories most affected by internal displacement (Honduras).

Sensitivity to context is crucial here; and the general application of such measures should be principled and based on decisions taken on the best available data and analysis of the situation and the implications of the measures for the beneficiaries and the wider IDP population.

In this study, middle-income countries with relatively strong and functioning State institutions and legal traditions generally assumed greater ownership of the IDP response. Willingness and capacity to implement IDP frameworks thus relate closely to such structural features of country context. As such, national IDP frameworks should build on the particular institutional strengths of the country in developing an IDP response. Wider structural limits to the functioning of institutions in the country also need to be taken into account, particularly in low-income countries with fragile institutions and weak rule of law, where State institutional capacity for IDP response tends to be modest.

International partners often help in creating IDP frameworks and provide financial, technical and operational support to the national IDP response. In countries with limited financial and institutional capacity, this engagement can be extensive. IDP frameworks in these countries can be a crucial reference point for interlocution, but there is a risk that where States feel limited ownership of IDP frameworks, this tends to undermine the effectiveness and sustainability of the IDP response.

This sense of ownership can be built up, for example, by engaging relevant institutional actors in the process through which IDP frameworks are developed and adopted.²⁹⁷ For sustained implementation, though, the key is to insulate such institutional buy-in from changes of government etc. This can be through careful selection of key interlocutors in the State. But other domestic actors can be vital too. In some countries, the courts may have the potential to enforce State willingness to implement IDP frameworks through changes of government etc. Likewise, civil society engagement (including IDPs) can reinforce institutional willingness and capacity to implement IDP frameworks.

Some countries have separate institutional arrangements for solutions. Care needs to be taken that they do not duplicate or compete with any existing IDP response structures. Core IDP frameworks should promote a whole-of-government approach and identify institutional roles and responsibilities across the State and in relation to all stages of displacement, including solutions. The division of labour between standards/actions on assistance and protection and those on solutions will not always be clear or easy to apply in law or practice (see previous chapter). As such, reinforcing the orientation to thinking about solutions in existing structures may be preferable in countries where this is an option.

Especially in protracted situations, there is a risk that internal displacement becomes somewhat institutionalised as a problem and thus more difficult for a society to overcome. But a robust response can be implemented without becoming intractable by ensuring that: targeted (and time-limited) context-sensitive policies, strategies or plans are used to implement the core framework; institutions are allocated clear

roles and responsibilities; solutions are built into the response from early on; regular reviews based on adequate data and analysis assess progress towards solutions; and IDP-specific interventions transition as quickly as possible to IDP-inclusive ones. No country wants a perpetual IDP crisis – using IDP frameworks to chart the path to a way out is essential.

Finally, thinking on national responsibility and ownership for the IDP response has advanced since the Brookings Framework for National Responsibility was published in 2005. Many of the indicators remain relevant. Nonetheless, the findings of this 15-country study, as well as in work carried out by others,²⁹⁸ suggests an opportunity to review some of those indicators (e.g. solutions and prevention as separate indicators) and how they are to be assessed (e.g. data *and* analysis); and to reflect on potential new indicators too. There is also the key question of how crucial factors of willingness and capacity play into the implementation in practice of these formal structures/indicators; and how they can better be harnessed in interventions on internal displacement in the future.

Endnotes:

1. This number includes all IDP-specific laws, policies and strategies but excludes the related implementing instruments (although they also feature in UNHCR's IDP Law and Policy Dashboard and are classified as IDP-specific instruments).
2. Available at: www.refworld.org.
3. Available at: <https://rimap.unhcr.org/idp-law-policy-dashboard>.
4. This number includes all IDP-specific laws, policies and strategies but excludes the related implementing instruments (although they also feature in UNHCR's IDP Law and Policy Dashboard and are classified as IDP-specific instruments).
5. With one exception, the Yobe State Policy on internal displacement.
6. UNHCR, [UNHCR celebrates 25th anniversary of UNGPID](#), calling for the enactment of laws to ensure protection of IDPs, 17 April 2023.
7. UNHCR, *No Escape – On the frontlines of climate change, conflict and forced displacement*, November 2024.
8. PDD, UNHCR and UNDRR, *Mapping human mobility in national and regional disaster risk reduction strategies and related instruments*, October 2024.
9. [Joint Request](#) for an Advisory Opinion submitted by the Republic of Chile and the Republic of Colombia, InterAmerican Court of Human Rights, p. 1.
10. Ibid. p. 8.
11. Available at: <https://www.refworld.org/jurisprudence/amicus/unhcr/2023/en/147049>.
12. Available at: <https://www.refworld.org/es/pol/amicus/acnur/2024/es/148051>.
13. For more information on the C+40 Process and to access conclusions and recommendations from the thematic consultations held throughout 2024, see: <https://www.minrel.gob.cl/proceso-de-cartagena-40>.
14. See pp. 137-139.
15. See MIRPS, [2023 Annual Report](#).
16. See Government of Honduras and UNHCR, *What are the priorities for the implementation of the Law on Prevention, Care and Protection of Internally Displaced Persons?*, on file with the author.
17. For more information: <https://www.acnur.org/reflexiones-para-la-implementacion-de-la-ley-para-la-prevencion-atencion-y-proteccion-de-personas>.
18. HiIL-UNHCR, [Justice Needs and Satisfaction in Honduras](#), 2024.
19. UNHCR, in collaboration with the Judicial Training Department of the Supreme Court of Justice, organized workshops in three major cities in July, August and November to strengthen the technical capacity of judges to protect the rights of IDPs and to ensure their safe, prioritized and effective access to national and local justice mechanisms.
20. Colombian Victims' Unit, ABC of Law 2343 of 2023.
21. Defensoría del Pueblo, ABC of Law 2421 of 2024.
22. For more information on the follow up work of the Court and its assessment on the overcoming of the unconstitutional state of affairs for IDPs' rights, see Part 2 of this report.
23. ACDI-AVOCA, IOM, *Universidad de los Andes* and USAID.
24. A similar bill had already been approved in the second debate in the previous legislature but was not passed.
25. <https://www.corteconstitucional.gov.co/relatoria/2024/T-123-24.htm>.
26. ACNUR Mexico, Boletín Desplazamiento Interno - Primer Semestre 2023, June 2023.
27. SEGOB (UPMRIP) and UNHCR, September 2024. Available [here](#).
28. Supreme Court of Justice, News: Concluye Primera Convención Nacional de Facilitadores Judiciales, 24 March 2023.
29. Available at: <https://www25.senado.leg.br/web/atividade/materias/-/materia/163826>.
30. Available at: https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=2417088.
31. Available at : <https://crisotal.org/ES/iniciativa-de-ley-de-prevencion-y-atencion-integral-de-personas-en-condicion-de-desplazamiento-forzado-interno-de-guatemala/>.
32. Available here: <https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf>.
33. UNHCR, UNDP and IOM have supported these efforts through joint programming under the Peacebuilding Fund.
34. This was done through funding support of the Department of Foreign Affairs and Trade (DFAT) Australia and continues in collaboration with UNDP and IOM under the Peacebuilding Fund.
35. Ampatuan, Datu Piang, Mamasapano, & Sultan sa Barongis, Maguindanao del Sur IDP Ordinances, Section 14 ; Butig, Lanao del Sur & Datu Salibo, Maguindanao del Sur and Kabuntalan, Maguindanao del Norte IDP Ordinances, Section 17; Datu Saudi Ampatuan & Datu Unsay, Maguindanao del Sur IDP Ordinance, Chapter IV, Section 4; Kapai, Lanao del Sur IDP Ordinance, Chapter IV, Section 13.

36. Butig, Lanao del Sur IDP Ordinance, Section 10b.6.
37. UNHCR Philippines, Submission to the Special Rapporteur on the human Rights of IDPs, 2024.
38. Ordinance No. 2022-90, Ordinance Institutionalizing the Oplan Balik Ekonomi at Tahimik na Pamayanan (OBET Pa!) Program in the Municipality of South Upi, Maguindanao.
39. Currently known as the Office of the Presidential Adviser on Peace, Reconciliation and Unity (OPAPRU).
40. Ordinance No. 2022-90, Ordinance Institutionalizing the Oplan Balik Ekonomi at Tahimik na Pamayanan (OBET Pa!) Program in the Municipality of South Upi, Maguindanao.
41. The RDC, composed of different agencies and organizations including private sector, is the highest planning and policy-making body in the administrative regions in the Philippines, which set the direction of all economic and social development efforts in the regions in line with the implementation of the Philippine Development Plan and Regional Development Plans 2023 – 2028. The above-mentioned RDCs' resolutions are available on UNHCR's IDP Law and Policy Dashboard.
42. The Philippine Commission on Human Rights and CBCS also pledged to pursue the adoption of the IDP bill as one of their commitments under the 2023 GRF.
43. On the occasion of World Humanitarian Day. See UNHCR, House of Representatives stands in solidarity with the forcibly displaced, stateless and at risk of statelessness for World Humanitarian Day, 22 Aug 2023.
44. On the occasion of International Women's Day and National Women's Month. See UNHCR, UNHCR, Senator Legarda launch photo exhibition on resilience of forcibly displaced and stateless women and girls, 15 March 2024.
45. IOM, Papua New Guinea Takes Major Step Forward with New Policy for Internally Displaced Persons, 5 October 2024.
46. PACE, *Political consequences of the Russian Federation's war of aggression against Ukraine*: Report: [Doc. 15797 - Report - Working document](#) 20/06/2023 and Resolution: [Res. 2506 - Resolution - Adopted text](#) 22/06/2023; *Situation of the children of Ukraine*: Report: [Doc. 15901 - Report - Working document](#) 24/01/2024 and Resolution: [Res. 2529 - Resolution - Adopted text](#) 25/01/2024; *An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine*: Report: [Doc. 16002 - Report - Details tab](#) 10/06/2024 and Resolution: [Res. 2562 - Resolution - Details tab](#) 27/06/2024.
47. PACE, *Social inclusion of migrants, refugees and internally displaced persons through sport*: Report: [Doc. 15786 - Report - Details tab](#) 05/06/2023 and Resolution: [Res. 2503 - Resolution - Details tab](#) 21/06/2023; *Post-conflict time: defusing ticking time bombs for a safe return of displaced populations*: Report: [Doc. 15995 - Report - Details tab](#) 06/06/2024 and Resolution: [Res. 2564 - Resolution - Details tab](#) 27/06/2024.
48. See Resolution of No. 1292, Ordinary Session 38, on 20 October 2022.
49. UN, Joint Government of Yemen-UN Project on Area-Based Durable Development Solutions to Displacement - Internal Displacement Solutions Fund (IDSF) – April 2024 to September 2025, 16 October 2024.
50. UNHCR-GPC, 2022 Global Report on Law and Policy on Internal Displacement (December 2022).
51. Lewis Sida, Erin Mooney, Oliver Lough and Leen Fouad, *Independent Review of the Humanitarian Response to Internal Displacement* (ODI, March 2024).
52. ICRC, *Translating the Kampala Convention into Practice: A Stocktaking Exercise* (ICRC, 2020); Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge, 2019).
53. Notable exceptions are Schrepfer, 'Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection' (2012) 24(4) *International Journal of Refugee Law* 667; and Cardona-Fox, 'Exile within Borders – A Global Look at Commitment to the International Regime to Protect Internally Displaced Persons' (Brill/Nijhoff 2019), Chapter 2.
54. Kälin, *Internal Displacement and the Law* (OUP, 2023).
55. Ferris, Mooney and Stark, *From Responsibility to Response: Assessing National Approaches to Internal Displacement* (Brookings Institution, 2011).
56. Orchard, *Protecting the Internally Displaced*.
57. The notion also covers stateless persons and long-term residents.
58. This is the case despite ongoing efforts in each country to adopt an IDP law at the national level (UNHCR/GPC, *Global Report 2022*).
59. CAR 2018 Solutions Strategy; DRC 2016 Solutions Strategy.
60. Azerbaijan 1999 Law, art 1; and 1999 Social Protection Law, art 1.
61. Ukraine 2014 Law, art 1.
62. Georgia 2014 Law, art 6(1).
63. The sub-national Guerrero 2014 Law provides a contrasting definition of 'generalized violence' as: 'All behaviour (whether manifested through physical or symbolic aggression) by people or groups, which is exercised with the purpose of limiting or restricting the fundamental rights of other people due to their social, political, union, ethnic, racial, religious, cultural, ideological affinity, etc.' (art 2). The Honduran 2022 Law, art 5(20) defines the element as 'situations characterised by the deliberate use of violence against individuals, groups or communities which entails serious violations of human rights'. The preamble refers specifically to 'criminality and insecurity caused by violence-generating groups like *maras* or gangs, among other actors'.
64. It also adds forcible evictees and pastoralists who have been forced to leave their 'habitual living space', as well as 'development projects' (Somalia 2019 Policy, pp5-6). The 2013 Afghanistan Policy also adds development projects (3.1).
65. Ukraine 2014 Law, art 1.
66. Afghanistan 2013 Policy, 3.1.b; Somalia 2019 Policy, pp. 5-6, Honduras 2022 Law, art 2.

67. Colombia 1997 Law, art 1.
68. Honduras 2022 Law, art 6.
69. Georgia 2014 Law, art 6(1).
70. Somalia 2019 Policy, pp. 5-6; Yemen 2013 Policy, p. 5; DRC 2016 Solutions Policy, 2.2. The Somalia 2019 Policy also makes clear that 'the cause and duration of their displacement, and their clan and area of origin' are likewise irrelevant to whether the displaced person should be treated as an IDP (ibid). The sub-national Somaliland 2015 Policy also states that 'internal displacement can occur due to different causes, can be short or long-term, comprised of a single or multiple events, protracted or newly emerging and may occur in rural and urban areas' (1.4).
71. Sinaloa 2020 Law, art 2.
72. Guerrero 2014 Law, art 2.
73. Chiapas 2012 Law, art 3; Zacatecas 2022 Law, art 5(X).
74. See for example: Government of Mexico, *Minimum elements for the drafting of a state law to prevent, address and comprehensively redress forced internal displacement* (January 2022). The Government and UNHCR were also working on a guidance on IDP registration as of April 2024.
75. Sida et al., *Independent Review of the Humanitarian Response to Internal Displacement*, p. 19.
76. Ibid.
77. Kälin, *Internal Displacement and the Law*, p. 61.
78. Some policies expressly make this point (e.g. Afghanistan, Iraq, Yemen; and Somaliland).
79. Of course, these core domestic frameworks may be accompanied by laws regulating particular aspects of the IDP response, such as attributing institutional responsibilities (e.g. DRC, Nigeria) or regulating IDP access to lands (e.g. Afghanistan).
80. The American Society of International Law-Brookings Institution, *Guiding Principles on Internal Displacement: Annotations*, 2008, p. 4.
81. It should be noted that the 'IDP status' also has a strong political and symbolic value for displaced people in these countries. For example, in Georgia, many IDPs wish to retain this status because it is linked to an emotional attachment to areas of displacement, providing an assurance to displaced people that the country has not forgotten the occupied territories and it remains committed to reintegration; therefore, the 'IDP status' serves as a psychological guarantee that the plight of IDPs remains relevant to the state. WB Europe and Central Asia, Georgia: Transitioning from Status to Needs Based Assistance for IDPs - A Poverty and Social Impact Analysis, February 2016.
82. See for example Georgia, 2013 Decree No.287 "Approval of the Internally displaced persons - Recognition as IDP, Granting IDP status and IDP Registration Procedures, Internally Displaced Persons' and Decree No.794 "About implementation of activities concerning registration of IDPs (granting of the new sample of IDP certificate)", Ukraine, 2014 Resolution No. 509 "On registration of internally displaced persons from the temporarily occupied territories of Ukraine and anti-terrorist operation area".
83. Kälin, *Internal Displacement and the Law*, 2023, p. 53.
84. The Ukraine 2014 Law excludes people who have committed criminal actions linked to the conflict (art 12(1)(2)).
85. For example, see Article 1 of the 1999 Law in Azerbaijan in relation to citizens "being forced to leave the place of the permanent residence in another country and coming back to the Republic of Azerbaijan for the reasons indicated in part 1 of this Article".
86. This is regulated by Georgia 2014 Law, art 6(2)-(3).
87. United Nations Statistical Commission (UNSC), *International Recommendations on IDP Statistics*, 2020, p. 30.
88. Though the Georgia 2014 Law expressly contemplates allowing people who displaced outside Georgia to register as IDPs despite living overseas (art 9).
89. This is permitted by Georgia 2014 Law, art 10(1).
90. Azerbaijan 1999 Law, art 14.
91. In Colombia, the 2011 Victims Law defines 'victims' as those suffering damages as a consequence of human rights or IHL violations in the context of the 'internal armed conflict' since 1985 (art 3). In Mexico, the 2013 Victims Law recognises as 'victims' those who suffered damages, danger or injury to rights as a result of the commission of a crime or human rights violation (art 4), but there is no requirement of a link to armed conflict.
92. 'Victims of forced displacement' are persons forced to displace by these IHRL/IHL violations because (recalling the 1997 Law IDP definition) their 'life, physical integrity, security or personal freedom has been violated or is directly threatened' (Colombia 2011 Victims Law, art 60(2)).
93. Mexico 2013 Victims Law, art 28.
94. Mexico CEAV 2021 Protocol, 2, p2.
95. Mexico City 2013 Victims Law, art 3(XIV) replicates the international definition but leaves out the situational element of 'armed conflict'.
96. Grosh, Leite, Wai-Poi, and Tesliuc, editors. 2022. *Revisiting Targeting in Social Assistance: A New Look at Old Dilemmas*. Washington, DC: World Bank, p. 1.
97. WB Europe and Central Asia, Georgia: Transitioning from Status to Needs Based Assistance for IDPs - A Poverty and Social Impact Analysis, February 2016, p.6.

98. IDP families living below the poverty line were already eligible to apply for the Targeted Social Assistance (TSA) programme, launched by the Government in 2006 to alleviate poverty among extremely vulnerable segments of the population. IDPs who claim TSA are required to give up their IDP allowance. Thus, the current system of social assistance to IDPs is a mix of status-based and targeted social assistance, in which IDPs can choose either type of assistance but not both.
99. See Government of Georgia, 'Private Order No. 257: Livelihood Strategy for IDPs', 2014.
100. GP20, 'Ukraine: Adapting Pre-Existing Housing Scheme to Meet IDPs' Specific Needs' (2018).
101. For example, Cabinet of Ministers (Ukraine), Resolution 429 (2 May 2023), Resolution 709 (11 July 2023) and Resolution 332 (11 July 2023).
102. DRC Ukraine, Legal Alert Special on IDPs, Issue 101 (April 2024).
103. Colombia 2000 Decree, art 4; in Mexico, Chiapas 2012 Law, art 30; Guerrero 2014 Law, art 33; Sinaloa 2020 Law, arts 34, 40; Zacatecas 2022 Law, arts 39, 49.
104. Brookings-Bern, *Protecting IDPs: A Manual for Law and Policy-makers* (2008) pp. 13-14.
105. For more information, see United Nations Statistical Commission, *International Recommendations on IDP Statistics*, 2020, pp. 71-72.
106. Azerbaijan 1999 Law, arts 9-10, 12; Colombia 2000 Decree, arts 2, 4-15; Colombia 2011 Victims Law, arts 155-156; Georgia 2014 Law, arts 8-9; Honduras 2022 Law, arts 59-70; Ukraine, arts 1, 4-5; in Mexico, Sinaloa 2020 Law, arts 34-40; Zacatecas 2022 Law, arts 38-43.
107. Colombia 2000 Decree, art 13; Georgia 2014 Law, art 8(6); Honduras 2022 Law, arts 7(2) and 19(8).
108. Yemen 2013 Policy, pp 5-6, 11.
109. For example, Somalia 2019 Policy; Yemen 2013 Policy, p. 6; DRC 2016 Solutions Strategy, 2.2; Somaliland 2015 Policy, 2.1.
110. This is recognized, e.g. IDMC/NRC/Brookings, *National Instruments on Internal Displacement: A Guide to their Development* (2013); Kampala Convention, art 3(2).
111. Brookings-LSE, IDMC, NRC, *National instruments on Internal Displacement: A guide to their development* (2013) p35.
112. This point is valid more widely beyond the 15 countries in this study (see, for example, UNHCR/GPC, *Global Report 2022*, p 19).
113. See [this page](#) for more information.
114. See also Brookings, *Protecting IDPs: A Manual for Law and Policy Makers*, 2008, p. 14.
115. See OECD, *Refugees and Internally Displaced Persons in Development Planning - No one left behind?*, OECD Development Policy Papers, October 2023, No. 47.
116. On the former, see Colombia 1997 Law, art 2(7); Nigeria 2021 Policy, 3.1.2a. On the latter, see Georgia 2014 Law, art 5; Iraq 2008 Policy, 6.3; Niger 2018 Law, art 10; Somalia 2019 Policy, Principle 2; Ukraine 2014 Law, art 3; Yemen 2013 Policy, p8; Puntland 2014 Policy, 6; Somaliland 2015 Policy, 4.3; and in Mexico, Chiapas 2012 Law, art 24; Guerrero 2014 Law, art 29; Zacatecas 2022 Law, art 58. The Honduras 2022 Law expresses both a right not to be displaced and a right to be protected against displacement (art 35(1) and 36).
117. In accordance with this view, some African policies also push a legal ban on 'forced evictions' as a necessary element of prevention (e.g. Nigeria 2021 Policy, 5.1.1.a; Somalia 2019 Evictions Guidelines; Somaliland 2015 Policy, 4.3-4.4.).
118. Josep Zapater, 'Prevention of Forced Displacement: The Inconsistencies of a Concept' (2010) 186 *New Issues in Refugee Research*, p9.
119. The 1998 Guiding Principles articulate a right to be protected against 'arbitrary' displacement and list five situations in which displacement is likely to be arbitrary (Guiding Principle 6). The 2009 Kampala Convention reiterates this right but lists eight situations in which displacement is likely to be arbitrary (art IV(4)).
120. Thus, four of the frameworks protecting against 'forced' displacement give no further details of the scope of this rule (Colombia 1997 Law, art 2(2); Georgia 2014 Law, art 5(1); Honduras 2022 Law, art 35; Ukraine 2014 Law, art 3). The Yemen 2013 Policy (p8) likewise presents it merely as a general prohibition, albeit with exceptions in conflict and disasters that reflect the terms of Principle 6. The Somalia 2019 Policy, by contrast, lists six illustrative situations in which the prohibition on 'forced' displacement would apply (Principle 2.3) - these overlap with some of the five listed in Principle 6. Similar variation is seen among the frameworks prohibiting 'arbitrary displacement'. The Niger 2018 Law defines this merely as any displacement not in accordance with laws and regulations (art 10). The Nigeria 2021 Policy refers to the art 4 Kampala Convention definition of 'arbitrary displacement' and its list of eight illustrative situations (1.2). In Mexico, sub-national laws list five illustrative situations, albeit in different terms in each law (Chiapas, art 25; Guerrero, art 3; Zacatecas, art 59). The Iraq 2008 Policy cites Principle 6 but emphasises the need to ensure national law reflects prohibitions on forced eviction, and the destruction and expropriation of land and housing (6.3).
121. For discussion of the applicable international law standards, see David Cantor, 'Conceptualising "Relocation" Across Displacement Contexts' (2023) *Journal of International Humanitarian Legal Studies*.
122. This includes certain countries that do not have a core IDP-specific instrument, such as DRC.
123. For a discussion of the relevant IHL rules, see David Cantor, 'Does IHL Prohibit the Forced Displacement of Civilians during War?' (2012) 24(4) *International Journal of Refugee Law* 840.
124. For example, from the countries sampled, DRC 1940 (updated) Penal Code punishes as a war crime 'ordering the displacement of the civilian population for reasons related to the conflict, except in cases where the safety of civilians or military imperatives so require' (art 223(5)(h)) and its 2002 Military Penal Code punishes 'Unlawful deportation, transfer or displacement, unlawful confinement of a civilian person protected by the Conventions or the Additional Protocols' (art 166(5)). Iraq 2005 Supreme Criminal Tribunal Law states that '[o]rdering the displacement of the civilian population for reasons related to the conflict, unless the

security of the civilians involved or imperative military reasons so demand' constitutes a war crime (art 13(4)(H)). Niger 1961 Penal Code (amended in 2003) states that 'unlawful deportation, transfer or displacement' constitutes a war crime (art 208.3(6)).

125. For example, the Azerbaijan 1999 Criminal Code punishes the 'compulsory moving [of the civilian population] from places of a lawful settlement for other purposes' (art 115(2)). Colombia 2000 Penal Code punishes 'anyone who, during an armed conflict, without military justification, deports, expels or carries out a forced transfer or displacement of the civilian population from its own territory' (art 159; and also 2010 Military Penal Code, art 159), although this imperfectly reflects the 1995 Basic Military Manual prohibition to 'oblige civilian persons to move because of the conflict, except if security or imperative military reasons so demand; (p77). Ukraine 2004 IHL Manual prohibits 'to issue orders and instructions regarding forcible movement of civilian persons in connection with the armed conflict unless this is required by the considerations of their security' (1.4.16).
126. See UNHCR-GPC, *Making Arbitrary Displacement a Crime: Law and Practice* (2022) for more details on this subject and the analysis of the pertinent provisions (referring to Colombia, DRC, Honduras and Mexico).
127. This appears to be the case in Niger and, in Mexico, Guerrero (as well as possibly Colombia and, in Mexico, Sinaloa, where the content of protection against displacement is not further defined).
128. For example, Afghanistan 2013 Policy, 5.1.1; Nigeria 2021 Policy, 5.1.1.c, 5.1.2.
129. Even in Colombia, where the crime of displacement has been on the penal code for decades and a special dedicated unit was set up within the Prosecutor's Office specifically to pursue this particular crime, it is not clear that these measures had a major impact in preventing displacement from continuing on a massive scale. Whether such measures are effective post hoc in bringing justice after the crime of forced displacement has been committed is a separate matter. However, it is worth noting that such justice is often limited during conflict and may be subject to balancing transitional arrangements in any eventual peace process.
130. UNHCR/GPC, *Global Report 2022*, pp. 24, 53-55.
131. Yemen 2013 Policy, p9.
132. Honduras 2022 Law, art 36.
133. Kälin, *Internal Displacement and the Law*, p. 106.
134. Celis, 'Anotaciones acerca de la formulación de políticas públicas sobre desplazamiento forzado interno', in *Government of Mexico et al (eds) Desplazamiento forzado interno en México: del reconocimiento a los desafíos* (2022).
135. Ibid.
136. In Honduras, the plan is to establish a dedicated Prevention Unit within the Directorate responsible for IDP issues. Its role will be to work with the rest of the system to design plans and protocols in this area, carry out field visits, design programmes and create spaces for community protection. The Honduran IDP law, which applies not only to IDPs but also 'people at risk of displacement', also requires a National Policy for the Prevention of Displacement to be in place within two years of the law entering into force (art. 39).
137. For example, always in Honduras, the *Municipal Policy for Children and Adolescents of San Pedro Sula 2018-2022* includes explicit reference to internal displacement as one of the worst expressions of violence faced by children and adolescents in San Pedro Sula to be addressed.
138. For example, Honduras, 2022 Law, arts 37-38; Niger 2020 Decree, art 2; Yemen 2013 Policy, pp8-9; also, in Somalia, Somaliland 2015 Policy, 4.1-4.2.
139. Afghanistan 2013 Policy, 5.1.3; Colombia 1997 Law, art 8; Niger 2020 Decree, art 2; Nigeria 2021 Policy, 5.1.1.d; also, in Somalia, Somaliland 2015 Policy, 4.1-4.2; and, in Mexico, Chiapas 2012 Law, art 29; Guerrero 2014 Law, art 34; Zacatecas 2022 Law, art 57.
140. Executive Unit for IDPs Camps Management, 'Executive Unit opens Early Warning Department' (26 January 2023) <<https://www.exuye.org/en/home>>.
141. Secretaría de Gobernación UPM / IOM, *Diagnóstico sobre movilidad humana* (2022) 23.
142. See, for example, Afghanistan 2013 Policy, 5.1.1; Colombia 1997 Law, art 14(4); in Mexico, Guerrero 2014 Law, art 30.
143. Experience shared by the Ministry of Peace during the Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement in Africa held in Dakar in September 2024.
144. In the context of this report, the reference to 'stages' of the displacement process is intended in line with the approach of the Guiding Principles on Internal Displacement, while acknowledging that displacement is not a linear process and that different stages coexist and overlap.
145. Only CAR, DRC and Ethiopia do not, given their exclusive focus on solutions.
146. For example, Niger 2018 Law, art 13-14, 17; Nigeria 2021 Policy, 3.1.1.d; Somalia; Colombia 1997 Law, art 2; Afghanistan 2013 Policy, 2.2; Yemen 2013 Policy, p7; also Puntland 2014 Guidelines, 2; Somaliland 2015 Guidelines, 5; Sinaloa 2020 Law, art 15.
147. Some frameworks also purport to impose duties on IDPs, e.g. to respect the culture and norms of host communities and abide by rules of collective settlements (Nigeria 2021 Policy, 3.2); or to register as an IDP and provide true information and accept the place assigned if relocation is necessary (Guerrero 2014 Law, art 22); or to inform on change of residence within time limit and regularly visit the State office (Ukraine 2014 Law, art 9(2)).
148. This is the case for Azerbaijan, Honduras and certain sub-national laws in Mexico; as well as for the IDP-inclusive victims law frameworks at the national level in Colombia and Mexico.
149. Azerbaijan, Colombia, DRC, Iraq, Niger, Ukraine and, in Mexico, Sinaloa and Guerrero States.
150. Honduras, Iraq, Niger, Puntland in Somalia.
151. Yemen, Somaliland in Somalia.

152. For example, Azerbaijan 1999 Law; Somalia 2019 Policy; Ukraine 2014 Law; Yemen 2013 Policy; also Puntland 2014 Guidelines, Somaliland 2015 Policy. In Mexico, the 'humanitarian assistance' provisions of the Chiapas 2012 Law appear to address the enjoyment of all rights, rather than just emergency.
153. For example, Colombia 1997 Law; Niger 2018 Law; Nigeria 2021 Policy. This phase appears also in the Colombian and Mexican victims frameworks, albeit without the international humanitarian element.
154. See for example IDP-specific instruments in Afghanistan, Niger and Nigeria.
155. In Somalia, for example, whilst the 2019 national IDP policy gives a detailed list of actions for securing solutions, no comparable actions are provided for assistance and protection standards in that instrument or subsequent ones.
156. Azerbaijan, Iraq, Ukraine.
157. Iraq, Ukraine.
158. Afghanistan, Iraq.
159. Afghanistan, Nigeria, Ukraine.
160. Afghanistan, Azerbaijan, Nigeria, Yemen.
161. Ukraine.
162. Iraq, Yemen.
163. This includes through land titling in informal settlements where IDPs live (e.g. Afghanistan; also BRA in Somalia).
164. For more on this, see Walter Kaelin and Nina Schrepfer, *Internal displacement and the Kampala Convention: an opportunity for development actors - Analytical Paper on the Relevance of Human Rights Approaches for Development Activities Targeting Conflict- and Disaster-Induced Displacement in Africa* (IDMC, 2012).
165. See, for example, CAR 2018 Solutions Strategy; DRC 2016 Solutions Strategy; Somalia 2020 Solutions Strategy; in Ethiopia, Somali Region 2017 Solutions Strategy; Azerbaijan 2022 Return Program.
166. The DRC 2016 Solutions Strategy is specifically for the North Kivu region; the Somalia 2020 Solutions Strategy identifies specific sub-groups within the wider IDP population.
167. Adamawa, Borno, and Yobe States in Nigeria; Somali Region in Ethiopia.
168. Afghanistan 2013 Policy, 8.1.2; Colombia 2000 Decree and 2006 Returns Protocol.
169. For example, Afghanistan, DRC, Niger, Nigeria, Somalia, Yemen. It is also very evident in instruments adopted by sub-national authorities, as in Mexico (Chiapas, Guerrero, Sinaloa, Zacatecas) and Somalia (Puntland, Somaliland).
170. Colombia.
171. Afghanistan 2013 Policy, 8.1; Azerbaijan 2022 Return Program; Georgia 2014 Law, arts 17-18; Honduras 2022 Law, art 75; Somalia 2019 Policy, Principle 4; Niger 2018 Law, art 23(1); also Chiapas 2012 Law, art 35; Guerrero 2014 Law, art 51; Sinaloa 2020 Law, art 21; Zacatecas 2022 Law, art 65; Puntland 2014 Guideline, 18.3.a; Somali Region 2017 Solutions Strategy, 2.3.
172. Niger 2018 Law, art 23(1); Nigeria 2022 Act, s 29(5)(a); also Chiapas 2012 Law, art 35; Guerrero 2014 Law, art 51; Sinaloa 2020 Law, art 21; Zacatecas 2022 Law, art 65. This duty to generate the conditions for durable solutions for IDPs was also found to exist by the Supreme Court of Justice in Mexico (Expediente Auxiliar 130/2022-I, p20).
173. Honduras 2022 Law, art 74; Nigeria 2022 Act, s 29(5)(b); Yemen 2013 Policy, p26. Even though Colombia's 1997 Law predates the international standards, it affirms a right to access solutions and to return (art 2(5)-(6)) as well as a government duty to support returns (art 16). Its courts subsequently interpreted Guiding Principle 28 as a binding constitutional norm (Sentencia SU-1150/2000) and the 2012 Victims Plan reflects this approach too (pp125-6).
174. Those presenting this as a right include Honduras 2022 Law, art 35(10); Nigeria 2021 Policy, 3.1.9; Somalia 2019 Policy, 3.2.2; also Somaliland, 6.c; Somali Region 2017 Solutions Strategy, 2.3.
175. CAR 2018 Solutions Strategy, p10; Nigeria 2021 Policy, 5.1.4.c; Nigeria 2022 Act, s 29(1)(b); Somalia 2019 Policy, 3.2.2; Afghanistan 2013 Policy, 8.3.2; Ukraine 2023 Strategy; Yemen 2013 Policy, p29; also Somaliland 2015 Policy, 6.d. The Nigeria 2021 Policy sets out the aspects of the situation on which this information must be provided, including: 'i. Access and security, including the size of the secured area; ii. The existence of landmines, IEDs or UXOs and other impediments to safe and dignified return, relocation or local integration; iii. The possibility to resume their regular activities (e.g. farming), viewed in conjunction with the safety in the area; iv. The degree of damage or destruction to public and private buildings; v. The existence of services (shelter, food, health, sanitation, water, education) prior to their return (and not the promise of the future provision of such services); xi. Documentation requirements; and xii. Transportation to the place of return, relocation or integration' (5.1.4.c).
176. Nigeria 2021 Policy.
177. CAR 2018 Solutions Strategy, p10; Afghanistan 2013 Policy, 8.3.2; Somaliland 2015 Policy, 6.d.
178. Honduras 2022 Law, art 74; Nigeria 2022 Act, s 29(4)(c); Somalia 2019 Policy, Principle 4.3; also Chiapas 2012 Law, art 36; Guerrero 2014 Law, art 52; Zacatecas 2022 Law, art 66; Somali Region 2017 Solutions Strategy, 2.3; Ukraine 2017 Strategy and 2023 Strategy.
179. Afghanistan 2013 Policy, 8.3.2; Yemen 2013 Policy, p29; also Puntland 2014 Guidelines, 18.3.e; Ukraine 2017 Strategy and 2023 Strategy.
180. Afghanistan 2013 Policy, 8.1; Iraq 2017 Returns Framework, 8; Nigeria 2021 Policy, 5.1.4.a; Somalia 2019 Policy, 3.2.3-4; also Puntland 2014 Guidelines, 18.3; Somaliland 2015 Policy, 6.e; Somali Region 2017 Solutions Strategy, 2.3. The Nigeria 2021 Policy specifies that this includes by 'monetary incentives, threats of loss of benefits, disruption of assistance at location of displacement' (5.1.4.a). The Iraq 2017 Returns Framework commits the authorities to do everything possible to prevent and act against not only forced returns but also forced evictions, premature returns, obstructed returns and the confiscation of ID documents (8).

181. 181See David Cantor, *Returns of Internally Displaced Persons during Armed Conflict: International Law and its Application in Colombia* (Nijhoff, 2018).
182. Ibid.
183. Azerbaijan 1999 Law, art 14.
184. See for example Protection Sector North East Nigeria, Advocacy Note on Protection Concerns related to the Closure of Camps in Local Government Areas (LGAs) in Borno State, North-East Nigeria, December 19, 2023.
185. 2018 Iraq Returns Framework, 8; Niger 2018 Law, art 24.
186. Colombia 2000 Decree, art 28.
187. Afghanistan 2013 Policy, 8.3.2; 2018 Iraq Returns Framework, 10; Nigeria 2021 Policy, 5.1.4; Yemen 2013 Policy, p23.
188. CAR 2018 Solutions Strategy, pp10-11; Somalia 2019 Policy, 3.3.1.
189. Afghanistan 2013 Policy, 8.3.2; Somalia 2019 Policy, 3.3.1; Ukraine 2023 Strategy; Yemen 2013 Policy, p29.
190. Thus, return processes are often tied up with the restoration of State order in contexts where its inability to guarantee safety contributed to the displacement in the first place. In practice, there is often little clarity on the matter and returns/relocations end up being used for political or military objectives around demonstrating security (Cantor, *Returns of Internally Displaced Persons*).
191. In some cases, this may be partly because the assumption is that the issues relating to those optional sectors have already been resolved by the protection and assistance phase measures. For example, the four sectors covered by the solutions provisions of the 2013 Afghanistan Policy and the six sectors covered by the solutions provisions of the 2018 Niger Law both mirror those sectors which they define as necessary to achieve a solution, but their protection and assistance provisions refer to actions on all eight sectors. The counter example is the (perhaps generally anomalous) Somalia 2019 Policy, where the solutions provisions cover all eight sectors but its provisions on the general IDP response cover only two essential and one optional sector, suggesting that some of the optional sectors may be seen as not immediately necessary for the protection and assistance response but rather as issues which can be held over to a later solutions stage (although this runs counter to the narrow definition of a durable solution in that same document).
192. See, for instance, Georgia 2017 Action Plan; Ukraine 2023 Strategy.
193. Colombia Law 387, art 14; Ukraine 2015 Programme, 2018 Strategy, 2021 Strategy and 2023 Strategy; Niger 2018 Law, art 21; Yemen 2013 Policy. Also, specifically in relation to solutions, in CAR 2018 Solutions Strategy, pp 9-10, and Somalia 2019 Policy, 3.3.
194. Wistrand, 'A Development Approach to a Protracted IDP Situation: Lessons from Azerbaijan' (2023) 11 Journal on Migration and Human Security 23, 36.
195. IOM, *Resolving Internal Displacement in Iraq: Inter-Agency Durable Solutions Strategic and Operational Framework* (2021).
196. For example, Colombia 2018 Development Plan; Iraq 2018 and 2020 National Development Plan; Nigeria 2021 National Development Plan; Somalia 2017 and 2020 National Development Plans.
197. For example, CAR 2017 and 2022 Recovery Plans; Nigeria 2016 Buhari Plan and 2021 National Humanitarian Development Peace Framework.
198. For example, see Georgia 2014 Livelihood Strategy for IDPs; Azerbaijan 1999 Law On Social Protection of Internally Displaced Persons and Persons equated to Them (No.669-1Q); Mexico 2021 Social Protection Law (Ley de Asistencia Social) and Somalia 2019 national social protection policy.
199. Colombia 2011 Victims Law, art 67; Honduras 2022 Law, art 5(18); Mexico 2021 Victims Protocol, p5; Niger 2018 Law, art 2(3); Nigeria 2021 Policy, pp14-15; Somalia, 2019 Policy, p6; also Somaliland 2015 Policy; Puntland 2014 Guidelines, 18.3.b; Chiapas 2012 Law, art 40; Guerrero 2014 Law, art 41; Sinaloa 2020 Law, art 41; Zacatecas 2022 Law, art 70.
200. Nigeria 2021 Policy, 5.2; Nigeria 2022 Act, art 29(6).
201. Somali Region 2017 Solutions Strategy, 2.3.
202. Somaliland 2015 Policy, p6.
203. Chiapas 2012 Law, art 41; Guerrero 2014 Law, art 41; Sinaloa 2020 Law, art 41; Zacatecas 2022 Law, art 70.
204. Afghanistan 2013 Policy, 8.3.1.
205. Niger 2018 Law, art 25.
206. In line with UNHCR's 2013 'Policy on Alternative to Camps', camps are diverse: they include planned or self-settled camps and settlements or other facilities, such as collective centres. Camps are locations where IDPs reside and where, in most cases, governments and humanitarian actors provide assistance and services in a centralised manner.
207. Mission report, p.6, on file with the authors.
208. Expert Group on Refugee and IDP Statistics (EGRIS), March 2020, pp. 63-73.
209. See Natalia Baal in RLI Conference Session: "A question with many answers: how to measure progress towards or the achievement of durable solutions to internal displacement?", March 2024.
210. EGRISS, International Recommendations on IDP Statistics, pp. 46-54.
211. See: <https://inform-durablesolutions-idp.org/about/>.
212. EGRISS, 'Towards a harmonised statistical measure for exits from the stock of internally displaced persons' (2023) 2 Methodological Paper Series Paper.
213. This point has been.

214. See for example JIPS, *Durable Solutions Analysis Guide* (March 2020); UNDP, *Turning the tide on internal displacement: a development approach to solutions* (November 2022).
215. *An unconstitutional state of affairs* is a situation of mass violations of fundamental rights, as a consequence of structural failures in the government's actions. In these scenarios, the seriousness of the situation of violation of rights, as well as the complexity of its causes, merits a more direct involvement or intervention by the Constitutional Court in its resolution.
216. UNSG High-Level Panel on Internal Displacement, *Shining a Light on Internal Displacement: A Vision for the Future* (2022); UNDP, *Institutional Strategy on Development Solutions to Internal Displacement* (2023); Kälin, *Internal Displacement and the Law*.
217. There are exceptions. For example, the Ukraine 2014 Law (art 13) and the Honduras 2022 Law (art 71) specifically mention that decisions of authorities can be appealed to domestic courts in the manner specified by legislation.
218. Brookings-LSE, November 2011, pp. 87-88.
219. For example Afghanistan, Colombia, DRC, Georgia, Iraq and Yemen.
220. Brookings-LSE, IDMC, NRC, *National instruments on Internal Displacement: A guide to their development*, 2013, p9.
221. See Nigeria, National Commission for Refugees, Migrants and IDPs Act, 2022; and Iraq, Law n° 21 of 2009 - Ministry of Displaced and Migrants Law.
222. Brookings-LSE, 2011, p. 89.
223. See UNHCR-GPC, *Global Report on Law and Policy on Internal Displacement*, 2022, p. 32.
224. Created in 1996, the Ministry for IDPs From the Occupied Territories was merged with the Ministry for Labour, Health and Social Affairs in 2018, becoming the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs.
225. Created in 2016, the Ministry deals with occupied territories and IDPs under the title of Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine.
226. For example, see Azerbaijan's State Committee for Affairs of Refugees and Internally Displaced Persons. Also, originally, Ukraine.
227. For example, Yemen; also at one time in Colombia, where the IDP focal point sat within the president's office.
228. In some countries, the policy designates a different lead agency where the displacement is driven by disasters (e.g. 2013 Afghanistan Policy, 4.3).
229. UNGA, Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons (20 August 2015), UN Doc A/70/334.
230. WB Europe and Central Asia, Georgia: Transitioning from Status to Needs Based Assistance for IDPs - A Poverty and Social Impact Analysis, February 2016, p.15.
231. For example, Afghanistan, Colombia, Honduras, Nigeria, Somalia, Yemen.
232. For example Colombia, Georgia, Iraq, Yemen.
233. For example Nigeria, Somalia.
234. Martina Caterina and Andres Lizcano, 'The Question of Data in Internal Displacement Law-and-Policy-making' (2020) 39 Refugee Survey Quarterly 634–646.
235. For instance, a broad-ranging purpose may be specified, such as informing 'relevant stakeholders on the plight, needs, volume, trend and impact of internal displacement on IDPs, democracy, national security and host communities'. It may have more particular practical purposes, as when it is 'necessary solely for the purposes of providing assistance', or for the purpose of identifying appropriate solutions, or 'assessing the needs of IDPs in order to further meet them, taking into account vulnerability criteria', or to 'document their properties to guarantee their rights and take into consideration the possibility of handing back property occupied by others to their original owners'.
236. Caterina and Lizcano, 'The Question of Data'.
237. Order No. 22/033 of 7 January 2022.
238. See A/HRC/53/35/Add.2, Country Mission report by Special Rapporteur on the human rights of IDPs, 2023.
239. Ibid, p20.
240. DRC 2016 Solutions Strategy for North Kivu, 2.1.
241. Somali Region 2017 Solutions Strategy, 2.3.
242. See Adamawa State Homegrown Durable Solutions Action Plan for Internal Displacement 2025-2027; Borno State Strategy for Durable Solutions to Internal Displacement 2025-2027; Yobe State Action Plan on Durable Solutions to Internal Displacement 2025-2027.
243. For example, Afghanistan, Azerbaijan, Colombia, Nigeria, Somalia, Ukraine, Yemen; also Somaliland and Puntland.
244. For example, Afghanistan, Colombia, Honduras, Nigeria, Somalia, Ukraine.
245. The lead ministries for the wider IDP response are merely attributed specific roles, i.e. NCRI is responsible for developing policies and datasets and the interior ministry is responsible for vertical coordination.
246. Somalia 2020 Solutions Strategy, pp71-72.
247. Ibid, p75.
248. For more information on their role, see also UNHCR-GPC, 2022 Global Report on Law and Policy on Internal Displacement, pp. 34-35.
249. For example, Afghanistan, Colombia, Honduras, Niger; also Somaliland.

250. For example, Yemen, Nigeria.
251. For example Puntland, Somaliland and Benadir Regional Administration in Somalia.
252. This includes an IDP-inclusive national framework based on victims' rights, although the dedicated institution is reportedly not keen to take on the IDP mandate at the national level due to capacity concerns, as well as work on the IDP issue from entities such as the Ministry of Interior.
253. For example, Afghanistan, Colombia, Georgia, Honduras, Iraq, Niger, Nigeria, Somalia, Ukraine, Yemen; also Sinaloa (Mexico), Somaliland and Puntland (Somalia).
254. For example, Honduras, Yemen.
255. For example, Honduras, Ukraine, Yemen.
256. For example, Afghanistan, Nigeria, Somalia, Yemen; also Somaliland and Puntland.
257. It should be noted that the 2022 Great Return programme has its own inter-ministerial coordination centre within national government, the Consultation Council, which is led by the office of the President. This has representatives from all of the pertinent national ministries, including the IDP focal point institution, which take a lead in specific sectors. There are also working groups on particular themes.
258. For example, Afghanistan, Colombia, Niger, Somalia.
259. Ana María Ibáñez, and Andrea Velásquez. "La política pública para atender a la población desplazada: ¿Cuáles deben ser las funciones de las autoridades locales?" (Brookings-Bern Project on Internal Displacement, 2008).
260. Estrategia de Corresponsabilidad de la política pública para las víctimas del conflicto armado interno, Pub. L. No. Decreto 2460, República de Colombia (2015).
261. Weihmayer, 'Multilevel Governance 'from Above': Analysing Colombia's System of Co-Responsibility for Responding to Internal Displacement' (2023) 37 Journal of Refugee Studies 392.
262. This was mentioned as a remaining challenge by most of the speakers, including victims themselves, at the Forum commemorating the 20th anniversary of the judicial sentence T-025 organised by the Constitutional Court and ACNUR Colombia in May 2024 in Bogotá.
263. For example, Afghanistan, Colombia, Georgia, Honduras, Niger, Nigeria, Ukraine, Yemen; also Somaliland.
264. For example, Afghanistan, Colombia, Honduras, Niger, Nigeria; also Somaliland. In Honduras, Article 30 of the 2023 IDP Law clarifies that the Fund is to be used primarily to support humanitarian assistance, and only 20 per cent of the resources can be dedicated to durable solutions.
265. Ukraine 2014 Law, art 15.
266. Colombia 2011 Victims Law, art 177.
267. Such as Colombia and Honduras.
268. Such as Yemen.
269. International partners appear to have invested greater resources in Ukraine since the 2022 conflict scale-up.
270. For instance, in a single year, the IDP response ensured that 100,000 IDPs in resource-poor and fragile Somalia received security of tenure and 150,000 benefitted from shelter – but 1.8 million new internal displacements also took place within the same time period.
271. ICG, *Responding to Ukraine's Displacement Crisis: From Speed to Sustainability* (26 September 2022).
272. Celis, 'Anotaciones acerca de la formulación de políticas públicas'.
273. See, for example, Colombia 2011 Victims Law, arts 17-19.
274. Honduras 2022 Law, art 4(22).
275. NHRIs have focal point staff or units on internal displacement for example in DRC, Ethiopia, Georgia, Honduras, Nigeria, Ukraine. See UNHCR et al.
276. Recent good examples of such initiatives, in addition to the long-standing courses on internal displacement organised by the Sanremo IHL Institute in collaboration with UNHCR and the Special Rapporteur on the Human Rights of IDPs, include the online courses on internal displacement for state officials organised in Honduras by the Human Rights Ministry and UNHCR, and those repeatedly organised by xxx in Mexico for state officials, civil society and academy.
277. GP20, 'Honduras: Preparing for Solutions through Abandoned Property Registration' (2018).
278. The Spanish acronym MIRPS stands for Comprehensive Regional Protection and Solutions Framework, which promotes response to forced displacement in Central America and Mexico.
279. For example, Niger, Georgia.
280. For example, Afghanistan.
281. For example, Honduras, Nigeria, Somalia.
282. For example, Afghanistan, Niger, Nigeria, Somalia, Ukraine, Yemen.
283. For example, Afghanistan, Nigeria.
284. Nigeria 2021 IDP Policy, p77.
285. Report from the Cross-Regional Forum on Implementing Laws and Policies on Internal Displacement, 6-9 June 2023.

286. Somalia 2019 IDP Policy, 4.4.
287. For example, Georgia, Honduras, Ukraine.
288. For example, Afghanistan.
289. UN Secretary-General's High-Level Panel on Internal Displacement, (2021) Report: 'Shining a Light on Internal Displacement: A Vision for the Future', pp24-27.
290. Colombia 2015 Victims Decree (1084); Victims Unit 2020 Resolution (1668).
291. Ukraine 2023 IDP Council Resolution (812).
292. Chad, another State party to the 2007 Kampala Convention, also adopted its IDP law in 2023.
293. For example, Nigeria, Ethiopia.
294. It should be noted that IDPs from the North can still access support despite these challenges; assistance provision is not uniformly denied.
295. This approach was ruled unconstitutional by the Colombian Constitutional Court in its judgment T-318 of 2011.
296. International courts and decision-making bodies may also play a role. However, their jurisdiction is usually limited to findings and orders on the particular case under consideration. Those orders, though, can sometimes require States to address institutional factors; and some courts have even adopted procedures to address structural deficiencies at the national level where they are relevant to a large number of cases (e.g. European Court of Human Rights and Colombia's Constitutional Court). Here too, though, the impact of these findings on the implementation of the IDP response will depend on whether the international instance is able to issue binding judgments and how the State in question responds to such orders as a matter of practice.
297. UNHCR/GPC, *2022 Global Report*.
298. See, for example, UNHCR/GPC, *Global Report 2022*; Kälin, *Internal Displacement and the Law*, pp236-322; UNSG High-Level Panel, *Shining a Light*.

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